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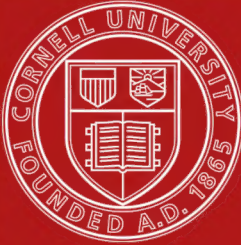




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ABRIDGMENT
OF THE
DEBATES OF CONGRESS,
FROM 1789 TO 1856.

FROM GALES AND SEATON'S ANNALS OF CONGRESS; FROM THEIR
REGISTER OF DEBATES; AND FROM THE OFFICIAL
REPORTED DEBATES, BY JOHN C. RIVES.

BY
THE AUTHOR OF THE THIRTY YEARS' VIEW.

VOL. XIII.

NEW YORK:
D. APPLETON & COMPANY, 346 & 348 BROADWAY.
1860.

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TWENTY-FOURTH CONGRESS.—FIRST SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.*

SESSION CONTINUED FROM VOL. XII.

MONDAY, December 7, 1835.

At twelve o'clock, M., the House was called to order by Mr. FRANKLIN, the Clerk of the last Congress.

Election of Speaker.

On motion of Mr. BEARDSLEY, the House proceeded to ballot for a Speaker.

MESSRS. JOHNSON of Tennessee, EVERETT of Vermont, and ANTHONY of Pennsylvania, were

appointed tellers; and, on counting the ballots, it appeared that 225 had been given, as follows:

For JAMES K. POLK, -	132
JOHN BELL, - - -	84
Scattering and blanks,	9

The honorable JAMES K. POLK, of Tennessee, having received a majority of all the votes given, was declared duly elected Speaker of the 24th Congress; and returned his thanks for the honor conferred, in the following address:

* LIST OF MEMBERS.

Maine.—Jeremiah Bailey, George Evans, John Fairfield, Joseph Hall, Leonard Jarvis, Moses Mason, Gorham Parks, Francis O. J. Smith.

New Hampshire.—Benning M. Bean, Robert Burns, Samuel Cushman, Franklin Pierce, Joseph Weeks.

Massachusetts.—John Quincy Adams, Nathaniel B. Borden, George N. Briggs, William B. Calhoun, Caleb Cushing, George Grennell, jr., Samuel Hoar, William Jackson, Abbot Lawrence, Levi Lincoln, Stephen C. Phillips, John Reed.

Rhode Island.—Dutée J. Pearce, W. Sprague.

Connecticut.—Elisha Haley, Samuel Ingham, Andrew T. Judson, Lancelot Phelps, Isaac Toucey, Zalmon Wildman.

Vermont.—Heman Allen, Horace Everett, Hiland Hall, Henry F. James, William Slade.

New York.—Samuel Barton, Samuel Beardsley, Abraham Bockee, Matthias J. Bovee, John W. Brown, C. C. Cambreleng, Graham H. Chapin, Timothy Childs, John Cramer, Ulysses F. Doubleday, Valentine Efner, Dudley Farlin, Philo C. Fuller, William K. Fuller, Ransom H. Gillet, Francis Granger, Gideon Hard, Abner Hazeltine, Hiram P. Hunt, Abel Huntington, Gerrit Y. Lansing, George W. Lay, Gideon Lee, Joshua Lee, Stephen B. Leonard, Thomas C. Love, Abijah Mann, jr., William Mason, John McKeon, Ely Moore, Sherman Page, Joseph Reynolds, David Russell, William Seymour, Nicholas Sickles, William Taylor, Joel Turritt, Aaron Vanderpoel, Aaron Ward, Daniel Wardwell.

New Jersey.—Philemon Dickerson, Samuel Fowler, Thos. Lee, James Parker, Ferdinand S. Schenck, William N. Shinn.

Pennsylvania.—Joseph B. Anthony, Michael W. Ash, John Banks, Andrew Beaumont, Andrew Buchanan, George Chambers, William P. Clark, Edward Darlington, Harmar Denny, Jacob Fry, jr., John Galbraith, James Harper, Samuel S. Harrison, Joseph Henderson, William Heister, Edward B. Hubley, Joseph R. Ingersoll, John Klingensmith, jr., John Laporte, Henry Logan, Job Mann, Thomas M. T. McKennan, Jesse Miller, Matthias Morris, Henry A. Muhlenberg, David Potts, jr., Joel B. Sutherland, David D. Wagener.

Delaware.—John J. Milligan.

Maryland.—Benjamin C. Howard, Daniel Jenifer, Isaac McKim, James A. Pearce, John N. Steele, Francis Thomas, James Turner, George C. Washington.

Virginia.—James M. H. Beale, James W. Bouldin, Nathaniel H. Claiborne, Walter Coles, Robert Craig, George C. Dromgoole, James Garland, G. W. Hopkins, Joseph Johnson, John W. Jones, George Loyall, Edward Lucas, John Y. Mason, William McComas, Charles F. Mercer, William S. Morgan, John M. Patton, John Roane, John Robertson, John Taliaferro, Henry A. Wise.

North Carolina.—Jesse A. Bynum, Henry W. Connor, Edmund Deberry, James Graham, Micajah T. Hawkins, James J. McKay, William Montgomery, Ebenezer Pettigrew, Abraham Rencher, William B. Shepard, Augustine H. Shepperd, Jesse Speight, Lewis Williams.

South Carolina.—Robert B. Campbell, William J. Grayson, John K. Griffin, James H. Hammond, Richard J. Manning, Francis W. Pickens, Henry L. Pinckney, James Rogers, Waddy Thompson, jr.

Georgia.—Jesse F. Cleveland, John Coffee, Thomas

Gentlemen of the House of Representatives:

In accepting the high station to which I am called by the voice of the assembled representatives of the people, I am deeply impressed with the high distinction which is always conferred upon the presiding officer of this House, and with the weight of the responsibility which devolves upon him. Without experience in this place, called to preside over the deliberations of this House, I feel that I ought to invoke, in advance, the indulgent forbearance of its members, for any errors of judgment which may occur in the discharge of the severe duties which will devolve upon me. It shall be my pleasure to endeavor to administer the laws which may be adopted for the government of the House justly and impartially towards its members, and with a view to the preservation of that order which is indispensable to our character as a body, and to the promotion of the public interests. To preserve the dignity of this body, and its high character before the country, so far as shall depend upon its presiding officer, will be objects of my deepest solicitude; and I am sure I shall have the co-operation and support of all its members, in the discharge of my duty, with a view to these objects.

I return to you, gentlemen, my sincere acknowledgments for this manifestation of your confidence, in electing me to this high station; and my ardent hope is, that our labors here may merit and receive the approbation of our constituents, and result in the advancement of the public good.

Mr. WILLIAMS, of North Carolina, (the oldest member in the House,) administered the usual oath to the Speaker, when the latter qualified the members by States, as also the territorial delegates from Arkansas, Florida, and Michigan.

Mr. BEARDSLEY submitted a resolution appointing Mr. WALTER S. FRANKLIN Clerk of the House; which was agreed to.

A message was received from the Senate, announcing that that body, having assembled and formed a quorum, were ready to proceed with legislative business; and that a committee had been appointed on the part of the Senate, to meet such committee as might be appointed on the part of the House, to wait on the President of the United States, and inform him that Congress, having assembled, are ready to receive any communication which he may choose to make.

Glasecock, Seaton Grantland, Charles E. Haynes, Hopkins Holsey, Jabez Jackson, George W. Owens, George W. B. Towns.

Alabama.—Reuben Chapman, Joab Lawler, Dixon H. Lewis, Francis S. Lyon, Joshua L. Martin.

Mississippi.—David Dickson, J. F. H. Claiborne.

Louisiana.—Rice Garland, Henry Johnson, Eleazer W. Ripley.

Tennessee.—John Bell, Samuel Bunch, William B. Carter, William C. Dunlap, John B. Forester, Adam Huntsman, Cave Johnson, Luke Lea, Abram P. Maury, Balie Peyton, James K. Polk, E. J. Shields, James Standefer.

Kentucky.—Chilton Allan, Lynn Boyd, John Calhoon, John Chambers, Richard French, William J. Graves, Benjamin Hardin, James Harlan, Albert G. Hawes, Richard M. Johnson, Joseph R. Underwood, John White, Sherrod Williams.

Election of Printer.

Mr. COFFEE, submitted a resolution, in substance, that the House proceed to the election of a printer for the 24th Congress; which was agreed to.

Mr. JOHNSON, of Kentucky, nominated Messrs. BLAIR & RIVES;

Mr. WILLIAMS, of North Carolina, nominated MESSRS. GALES & SEATON; and

Mr. PEYTON, of Tennessee, nominated Messrs. BRADFORD & LEARNED.

Whole number of votes 223; necessary to a choice 112.

For Messrs. Blair & Rives, -	-	133
“ Gales & Seaton, -	-	59
“ Bradford & Learned, -	-	26
Scattering, -	-	7

Whereupon Messrs. Blair & Rives were declared duly elected printers to the twenty-fourth Congress.

TUESDAY, December 8.

MESSRS. JACKSON of Massachusetts, GALBRAITH of Pennsylvania, and TURNER of Maryland, appeared, and were qualified.

President's Message.

A Message was received from the President of the United States, by Mr. DONELSON, his private secretary; which was read. (See Senate proceedings of this date.)

Mr. BEARDSLEY submitted a resolution, committing the Message to a Committee of the Whole on the state of the Union; and that 10,000 copies, together with the accompanying documents, be printed for the use of the members of the House; which was agreed to.

Death of Mr. Smith.

A message was received from the Senate, announcing the death of the honorable NATHAN SMITH, a member of that body, from the State of Connecticut, and that his funeral would take place at twelve o'clock to-morrow.

Mr. TOUCHEY, of Connecticut, submitted a resolution that the members of the House would

Missouri.—William H. Ashley, Albert G. Harrison.

Illinois.—Zadock Casey, William L. May, John Reynolds.

Indiana.—Ratlift Boon, John Carr, John W. Davis, Edward A. Hannegan, George L. Kinnard, Amos Lane, Jonathan McCarty.

Ohio.—William K. Bond, John Chaney, Thomas Corwin, Joseph H. Crane, Thomas L. Hamer, Elias Howell, Benjamin Jones, William Kennon, Daniel Kilgore, Sampson Mason, Jeremiah McLene, William Patterson, Jonathan Sloane, David Spangler, Bellamy Storer, John Thompson, Samuel F. Vinton, Taylor Webster, Elisha Whittlesey.

DELEGATES.

Arkansas Territory.—Ambrose H. Sevier.

Florida Territory.—Joseph M. White.

Michigan Territory.—George W. Jones.

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attend the funeral of Mr. SMITH, and would wear the usual badge of mourning for the space of thirty days; which was agreed to.

MONDAY, December 14.

MESSRS. GRAVES of Kentucky, and GARLAND of Louisiana, appeared, were qualified, and took their seats.

Death of Mr. Wildman.

Mr. HALEY, of Connecticut, announced the death of his colleague, the Hon. ZALMON WILDMAN, a Representative in Congress from the State of Connecticut; and, after a few remarks in eulogy of the deceased, submitted a motion for the usual demonstrations of respect for his memory; which was unanimously adopted.

Death of Mr. Kane.

A message was received from the Senate, announcing the death of the Hon. ELIAS K. KANE, Senator from the State of Illinois, and informing the House that the funeral will take place in the Senate chamber at half-past 12 o'clock. Whereupon,

Mr. CASEY, of Illinois, moved the following resolution, which was adopted:

Resolved, unanimously, That, in testimony of respect for the memory of the Hon. ELIAS K. KANE, late a Senator in Congress from the state of Illinois, the members of this House wear crape on the left arm for thirty days.

WEDNESDAY, December 16.

Mr. THOMPSON of South Carolina, and Mr. RIPLEY of Louisiana, appeared, were qualified, and took their seats.

Slavery in the District of Columbia.

Mr. FAIRFIELD, understanding, he said, that by a presentation of a petition, a member was not made responsible for its propositions, presented a petition signed by 172 females, praying the abolition of slavery and the slave trade in the District of Columbia, and moved that it be referred to the Committee on the District of Columbia.

Mr. CRAMER moved that it be laid on the table; which was agreed to.

Mr. FAIRFIELD then presented a similar petition, which he moved to lay on the table.

Mr. MASON, of Virginia, said, as it was extremely desirable to have an expression of sentiment on this subject, by the House, he would ask for the yeas and nays on the motion; and they were ordered.

Mr. BOON called for the reading of the memorial. After it was read,

Mr. EVERETT rose to ask whether the motion to lay on the table was made by the member who presented the petition.

Mr. FAIRFIELD replied in the affirmative.

Mr. SLADE moved that the memorial be printed.

Mr. WILLIAMS, of North Carolina, asked the division of the question.

Mr. MASON, of Virginia, asked the yeas and nays on the motion to print, and they were ordered.

The question being taken on the motion to lay on the table, it was decided in the affirmative, as follows:

YEAS.—Messrs. C. Allan, Anthony, Ash, Ashley, Bailey, Barton, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, J. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Claiborne, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Everett, Fairfield, Farlin, Forester, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hammond, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hoar, Hopkins, Howard, Howell, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingsmith, Lane, Lansing, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, L. Lea, Leonard, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, May, McComas, McKay, McKeon, McKim, Mercer, Milligan, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Reed, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Seymour, Shepard, Shepperd, Shields, Shinn, Sickles, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, J. Thomson, W. Thompson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpool, Vinton, Wagener, Ward, Webster, Weeks, White, Lewis Williams, Sherrod Williams, Wise—180.

NAYS.—Messrs. Adams, H. Allen, Banks, Borden, Briggs, W. B. Calhoun, Clark, Cushing, Darlington, Evans, Grennell, Hiland Hall, Harper, Hazeltine, Henderson, Heister, Hubley, William Jackson, James Laporte, Love, Morris, Parker, Dutee J. Pearce, Potts, Russell, Slade, Sloane, Sprague, Wardwell, Whittlesey—31.

FRIDAY, December 18.

Mr. McKENNAN appeared, was qualified, and took his seat.

Slavery in the District of Columbia.

Mr. JACKSON, of Massachusetts, presented a petition from sundry citizens of Massachusetts, praying Congress to provide for the immediate abolition of slavery within the District of Columbia; which he moved to refer to a select committee.

Mr. HAMMOND moved that the petition be not received. The large majority by which the House had rejected a similar petition a few days

ago, had been very gratifying to him, and no doubt would be very gratifying to the whole South. He had hoped it would satisfy gentlemen charged with such petitions, of the impropriety of introducing them here. Since, however, it had not had that effect, and they persisted still in urging them upon the House and upon the country, he thought it was not requiring too much of the House, to ask it to put a more decided seal of reprobation on them, by peremptorily rejecting this.

Mr. THOMAS said he was surprised to discover that there are gentlemen who are not content with the evidence which has already been given that a very large majority of this House are opposed to any interference whatever, not only with the rights of slaveholders in the Southern States, but with the existence of slavery within the District of Columbia. We have already laid on the table, by a vote of nearly three to one, two memorials similar to the one now under consideration. But gentlemen say those votes are equivocal; they wish to have direct proof that the rights of slaveholders are not in danger from any interference on the part of Congress. Mr. T. said that he did not concur in this opinion. The vote to lay on the table had been given to signify a decided opposition to the prayer of the petitioners; nevertheless, he would make a motion which would, he thought, place this subject before the House in a position to afford an opportunity to remove all misapprehension which really existed, and deprive every man everywhere of all pretext for maintaining that southern property and southern rights are in danger.

Mr. T. then moved to reconsider the vote just given by the House in favor of considering this petition, and said, if this motion is adopted, we shall then have this petition before us in the position in which it was placed when first presented to the House. In the vote given in favor of considering this memorial, many members had been undoubtedly taken by surprise. Some members who are in favor of rejecting this, and other similar memorials, and others who are in favor of receiving and then laying on the table this and all petitions of like import, united in the vote which he had moved to reconsider. This strange combination could not have been created without a mistake somewhere. Gentlemen must have supposed that by the adoption of the motion to consider this memorial, the difficulty which has arisen by reason of the decision of the Chair would alone be removed; and that, instead of postponing until to-morrow all action on this subject, we would now proceed to dispose of it, either by a vote to reject or to lay it on the table.

Mr. PERRON was in favor of the motion to reconsider. He would not have troubled the House with any remarks again, but for the position assumed by the gentleman from New York. That gentleman contended that the right of petition was a sacred right, guaranteed to every American citizen under the constitution;

and that the House had no right to deprive them of the exercise of that right. Mr. P. said they had the right to petition, and to think and to say what they pleased; and, further, they had the right to send any matter they choose throughout all the country, without regard to consequences, and that House had no power to resist it. But, then, he claimed that, when it came to that House, the representatives had the right to treat it and dispose of it in such manner as they thought best. Was the sacred right of petition any dearer than many other sacred rights—the right to property, to liberty, and to life?

Mr. RIPLEY said that in disposing of the question before the House, care should be taken rather to allay the public feeling than to add to the existing excitement. The right of petition was a solemn one, and had been guaranteed from the time of *magna charta* to the present moment. Our citizens have a right to petition for a change of their constitution, and, indeed, for a change in the form of government. Every decorous memorial should be received; but, when received, it is in the power of the House to dispose of it as it may deem proper. The motion to reject this petition was an incipient question, and, in his opinion, should take precedence.

Mr. WISE was for sustaining the motion to reconsider; and, for one, could testify that he had voted under a misapprehension. In voting for the motion to consider the petition, he thought he was voting to have a direct decision of the House on the motion of the gentleman from South Carolina. He was intending to bring the House also to a direct decision of the question, and had no idea after the House had decided it would consider the petition, that the consideration itself would be evaded.

Mr. W. had misapprehended in another particular. He had not understood the motion of the gentleman from South Carolina to be to consider the petition to-day, but to consider his motion to reject the petition, which was what Mr. W. wished to consider. So help him God, he never wished to consider the petition of an incendiary, but he would consider the motion to reject the petition, and he warned the gentleman from South Carolina that these were the means of evading his motion.

Mr. HAMMOND said it had been far from his intention, when he made the motion he did, to throw a firebrand into that House. On the contrary, he had hoped by it to exclude one from the House. He thought the motion a very simple and direct one; and, ignorant as he was of the rules of the House, he had no idea that the House had it not in its power to protect its own dignity, and the feelings of its members, by rejecting instantly any thing calculated to affect either the one or the other. If the House had no such rule, the rule of common sense ought to govern it.

Mr. PIERCE, of New Hampshire, said he had no disposition to discuss the merits of this

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deeply exciting question at any time, and his respect for the rules of the House would prevent his attempting to do so, under the motion of the gentleman from Maryland (Mr. THOMAS) to reconsider; which motion he hoped would be withdrawn, and then the motion of the gentleman from New York, (Mr. BEARDSLEY,) so far modified as to meet the approbation of all who are most sensitive upon this agitating question; and he rose to add his request to the suggestion made by his friend (he hoped he might so call him) from Virginia. This was not the last memorial of the same character which would be sent here. It was perfectly apparent that the question must be met now, or at some future time, fully and explicitly, and such an expression of this House given as could leave no possible room to doubt as to the opinions and sentiments entertained by its members. He, (Mr. P.,) indeed, considered the overwhelming vote of the House the other day, laying a memorial of similar tenor, and, he believed, the same in terms, upon the table, as fixing upon it the stamp of reprobation. He supposed that all sections of the country would be satisfied with that expression; but gentlemen seemed now to consider the vote as equivocal and evasive. He was unwilling that any imputation should rest upon the North, in consequence of the misguided and fanatical zeal of a few—comparatively very few—who, however honest might have been their purposes, he believed had done incalculable mischief, and whose movements he knew received no more sanction among the great mass of the people of the North, than they did at the South. For one, he, (Mr. P.,) while he would be the last to infringe upon any of the sacred reserved rights of the people, was prepared to stamp with disapprobation, in the most express and unequivocal terms, the whole movement upon this subject.

Mr. PICKENS said he would confine himself to what had been thrown out by the gentleman from New York. That gentleman had asked, why was it that discussion was desired upon that floor? and intimated that certain fanatics, as well in the South as in the North, desired to agitate this question. Mr. P. desired to take that opportunity to throw back the insinuation with scorn and contempt. Sir, said Mr. P., we do desire to agitate this question. We desire it, because we believe we have been foully slandered before the world; and I stand here prepared, at any time when the question shall come up, to vindicate the institutions of the people I have the honor in part to represent, from the foul aspersion and calumny thrown upon them. These are the motives which prompt us to desire discussion. He had heard some insinuations thrown out from higher quarters than the gentleman from New York, that certain gentlemen of the South, belonging to a certain party, desired the discussion of this question to advance the interests of a particular individual; and he would again repeat that it

was a foul and infamous calumny, and those who uttered it knew it to be such when they uttered it.

Mr. HOWARD said, in order to check even himself in debate, and with a view, if he could, to obtain the opinion of the House, whether in the outset he was right or not, he would move to lay the motion of his honorable colleague, (Mr. THOMAS,) from whom it gave him great pain to differ, on the table.

The question to lay the motion to reconsider on the table, was decided in the affirmative—ayes 119, noes 72.

MONDAY, December 21.

Slavery in the District of Columbia.

The House resumed the consideration of the petition from sundry inhabitants of the town of Wrentham, in Massachusetts, praying the abolition of slavery and the slave trade in the District of Columbia.

The motion to reject the petition still pending,

Mr. OWENS rose to address the House; but,

Mr. PINCKNEY expressed a hope that the subject would be suspended, in order to present petitions and memorials.

Mr. OWENS said he rose for the purpose of endeavoring to reconcile the conflicting opinions of gentlemen on all sides, and to submit certain propositions, which, he trusted, if the House would accept, would put to rest this agitating, delicate, and dangerous question. It was useless for him to regret that this question had been brought before the House. It was useless to regret that this question had been the subject of discussion. The apple of discord had been thrown into the House.

Mr. O. then sent the following resolutions to the Chair, which were read:

Resolved, That, in the opinion of this House, the question of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petitions, praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of this House that the same ought to be laid on the table without reading.

The question being taken on the motion to lay the petition, and all the motions relating to it, on the table, it was decided in the affirmative—yeas 140, nays 76.

So the petition, and all the motions depending thereon, were ordered to lie upon the table.

Mr. PATTON called up the motion made by him on Friday last, to reconsider the vote of the House, by which a petition for the abolition of slavery in the District, presented by a gentleman from Massachusetts, (Mr. BRIGES,) was referred to the Committee on the District of Columbia.

The motion having been taken up,

Mr. PATTON said that the vote which had been just taken against suspending the rules for the purpose of taking up the resolution offered by the gentleman from Georgia, (Mr. OWENS,) must have convinced the House, and especially those gentlemen from the South who had voted for laying the former petition on the table, inconsistently with their vote on Friday last upon the same proposition, of the futility of any such scheme as had been proposed for procuring a direct vote of the House upon the principles involved in the petitions that had been offered, and would continue to be offered, praying the abolition of slavery in the District of Columbia. Those with whom he felt and acted on this question gave this apparently inconsistent vote under the belief that there would be no difficulty in suspending the rules to take up the proposition of the gentleman from Georgia. They so calculated, and were deceived or mistaken. I, said Mr. P., had no confidence in such calculation, and was not mistaken. That vote, said Mr. P., I think, has further demonstrated that it is idle to attempt to avoid this subject by any parliamentary manoeuvre, and that the only way of obtaining a direct vote upon the great and interesting questions embraced by them, is by making a proposition presenting the question growing out of the petitions in connection with the petitions themselves.

Mr. Speaker, it is necessary that this House should be apprised and fully impressed with the necessity of quieting the anxiety, the agitation, and the alarm for the institutions of the country, which are abroad in the land; and that as the means, perhaps the only means, of doing so, it should meet those questions directly, and dispose of them decisively and permanently. I am ready to meet these questions; and I believe I express the universal sentiment of the representation from the South, in saying they are ready to meet it; and while we do not desire discussion, and for one I will do nothing to provoke it, at the same time we will not, we cannot, we dare not, shrink from it, if it be forced upon us from other quarters. I prefer voting upon the questions at once, and without discussion, if possible. If this subject must be discussed, it ought to be discussed, and it is hoped will be discussed, in the spirit which ought to characterize members of the same political family, and alike imbued with the patriotic purpose of rendering permanent this great and glorious Union.

Let the vote referring this petition be reconsidered, a reference made by inadvertence, and then the petition will be open again for consideration; and, in connection with it, let the principles involved in the petition be presented for the consideration and decision of the House in some form, which will show distinctly and unequivocally that a majority of the representatives of the people of the North, as well as of the South, are opposed to the schemes of the abolitionists, and also to the efforts which

are making to interfere with the subject of slavery in the District of Columbia. Let it be shown, if it be so, that there is such a majority opposed to an interference with slavery in this District, not upon considerations merely temporary, and influenced by existing political circumstances, but upon those high and paramount considerations which belong to the great rights of property, as well as individual and political safety, which are connected with it.

Mr. ADAMS said he hoped the motion to reconsider this vote would not prevail; and he expressed this hope for the very reason which the gentleman from Virginia (Mr. PATTON) had assigned for voting in favor of the motion. It appears to me (said Mr. A.) that the only way of getting this question from the view of the House and of the nation, is to dispose of all petitions on the subject in the same way. This is not a new opinion; I assumed this position in my very first act as a member of this House, from the very time when I first took my seat as a member of the 22d Congress. At that time fifteen petitions were transmitted to me, not from my own constituents, but from citizens of the Society of Friends in the State of Pennsylvania, with a request that I would present them to the House. Sir, I did so in homage to the sacred right of petition—a right which, in whatever manner it may be treated by other members of this House, shall never be treated by me other than with respect.

But, not being in favor of the object of the petitions, I then gave notice to the House and to the country, that upon the supposition that these petitions had been transmitted to me under the expectation that I should present them, I felt it my duty to say, I should not support them. And, sir, the reason which I gave at that time for declining to support them was precisely the same reason which the gentleman from Virginia now gives for reconsidering this motion—namely, to keep the discussion of the subject out of the House. I said, sir, that I believed this discussion would be altogether unprofitable to the House and to the country; but, in deference to the sacred right of petition, I moved that these fifteen petitions, all of which were numerous signed, should be referred to the Committee on the District of Columbia, at the head of which was, at that time, a distinguished citizen of Virginia, now, I regret to say—and the whole country has occasion to regret—no more. These petitions were thus referred, and, after a short period of time, the chairman of the Committee on the District of Columbia made a report to this House, which report was read, and unanimously accepted; and nothing more has been heard of these petitions from that day to this. In taking the course I then took, I was not sustained by the unanimous voice of my own constituents; there were many among them, persons as respectable, and as entitled to consideration as any others, who disapproved of the course I pursued on that occasion.

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Attempts were made within the district I then represented, to get up meetings of the people to instruct me to pursue a different course, or to multiply petitions of the same character. These efforts were continued during the whole of that long session of Congress; but, I am gratified to add, without any other result than that, from one single town of the district which I had the honor to represent, a solitary petition was forwarded before the close of the session, with a request that I would present it to the House. Sir, I did present it, and it was referred to the same Committee on the District of Columbia, and I believe nothing more has been heard of it since. From the experience of this session, I was perfectly satisfied that the true and only method of keeping this subject out of discussion was, to take that course; to refer all petitions of this kind to the Committee on the District of Columbia, or some other Committee of the House, to receive their report, and to accept it unanimously. This does equal justice to all parties in the country; it avoids the discussion of this agitating question on the one hand, and, on the other, it pays a due respect to the right of the constituent to petition.

Two years afterwards, similar petitions were presented, and at that time, an effort made, without success, to do that which has now been done successfully in one instance. An effort was made to lay these petitions on the table; the House did not accede to the proposition: they referred the petitions as they had been before referred, and with the same result. For, from the moment that these petitions are referred to the Committee on the District of Columbia, they go to the family vault "of all the Capulets," and you will never hear of them afterwards.

At the first session of the last Congress, a gentleman from the State of New York, a distinguished member of this House, now no longer here, which I regret to say, although I do not doubt that his place is well supplied, presented one or more petitions to this effect, and delivered a long and eloquent speech of two hours in support of them. And what was the result? He was not answered: not a word was said, but the vote of the House was taken; the petitions were referred to the Committee on the District, and we have heard nothing more of them since. At the same session, or probably at the very last session, a distinguished member of this House, from the State of Connecticut, presented one or more petitions to the same effect, and declared in his place that he himself concurred in all the opinions expressed. Did this declaration light up the flame of discord in this House? Sir, he was heard with patience and complacency. He moved the reference of the petitions to the Committee on the District of Columbia, and there they went to sleep the sleep of death. Mr. ADAMS speaking from recollection, was [the Reporter is requested by him to state] mistaken with respect to the reference

of the petitions presented at the last session of Congress to the committee. They were then for the first time laid on the table, as was the motion to print one of them. At the preceding session of the last Congress, as at all former times, all such petitions had been referred to committees and printed when so desired. Why not adopt the same course now? Here is a petition which has been already referred to the Committee on the District of Columbia. Leave it there, and my word for it, sir, you will have just such a result as has taken place time after time before. Your Committee on the District certainly is not an abolition committee. You will have a fit, proper, and able report from them; the House, *sub silentio*, will adopt it, and you will hear no more about it. But if you are to reconsider the vote, and to lay these petitions on the table; if you come to the resolution that this House will not receive any more petitions, what will be the consequence? In a large portion of this country every individual member who votes with you will be left at home at the next election, and some one will be sent who is not prepared to lay these petitions on the table.

What will be the next consequence? Sir, you will have discussion; and, to my regret I say it, discussion has been called for and challenged upon this floor. It has been challenged. And what will the discussion amount to? A discussion upon the merits of slavery. Sir, on such a discussion every speech made by a Representative from the north of Mason and Dixon's line, in this House, will be an incendiary pamphlet, and what will you do with them? The speeches of my colleagues, probably of myself, will be incendiary; because, if discussion is thrust upon us, I doubt not I might make a speech as incendiary as any pamphlet upon which such torrents of denunciation have been poured upon us. If I were capable of the craven and recreant spirit of shrinking from expressing, not probably so much my own sentiments as those of my constituents, I should go home to their scorn, and they would send here a man who would represent them more faithfully.

Well, sir, what becomes of these incendiary pamphlets, the speeches in this House, if they go to the public? What will be done with them by the public press? The newspapers report these speeches; every speech is circulated through your whole country; and how can you arrest it? Will you introduce a resolution that members of this House shall not speak a word in derogation of the sublime merits of slavery? You must have a resolution of this kind, to follow the one laid upon your table this morning—a resolution that no member of this House shall dare to utter an incendiary sentiment? And what is that incendiary sentiment? Why, it is, in substance, the contents of these pamphlets. Well, sir, you begin with suppressing the right of petition; you must next suppress the right of speech in this House; for you must offer a resolution that every mem-

ber who dares to express a sentiment of this kind shall be expelled, or that the speeches shall not go forth to the public—shall not be circulated. What will be the consequence then? You suppress the right of petition; you suppress the freedom of speech; the freedom of the press, and the freedom of religion; for, in the minds of many worthy, honest, and honorable men, fanatics, if you please so to call them, this is a religious question, in which they act under what they believe to be a sense of duty to their God; and, however erroneous may be their conclusions, it is not for me, nor for this House, to judge them. Therefore, sir, in deference to what has been heretofore the usage of this House, in deference to the respect which is due to the right of petition, and the respect which is due to the right of freedom of speech, freedom of the press, and freedom of religion, I hope that this petition will be left where it has been placed by the House, in the possession of the Committee on the District of Columbia, and that we shall hear no more about it.

Mr. THOMPSON said: As to discussing this subject before any human tribunal, I will not. I will not condescend to vindicate to this House or elsewhere, this or any other of our domestic institutions. It is no affair of yours; you have no right to touch it, still less to demand a reason of us for its continuance. The gentleman from New Hampshire, Mr. PIERCE, and I must say that his voice-sounded in my ear as the voice of a friend, said that we of the South, could not know the state of things at the North; that in his district there was not one abolitionist in five hundred. If I did not know it before, I do now, sir, because he has said so. Let me say, in my turn, that he does not know the state of feeling at the South, and I do, with a full knowledge of all my responsibilities, declare that, in my opinion, nothing will satisfy the excited, the almost frenzied South, but an indignant rejection of these petitions; such a rejection as will, at the same time that it respects the right of petitioning, express the pre-determination, the foregone conclusion, of the House on the subject—a rejection, sir, that will satisfy the South, and serve as an indignant rebuke to the fanatics of the North. But we are told that such a course, whilst it would satisfy the South, would offend the people of the North. How so, sir? I had thought that it was the South, that was interfered with, the South that was injured, that it was the South that was to be satisfied. Who is it at the North that we are to conciliate? The fanatics? Fanatics, did I say, sir? Never before was so vile a band dignified with that name. They are murderers, foul murderers, accessories before the fact, and they know it, of murder, robbery, rape, infanticide. Sir, this question must be settled; if I may so speak, it must be killed; a just regard to the rights and feelings of the South, to the peace and harmony of this great republic, the permanency of our institutions, demand it; in short, sir, every considera-

tion which can address itself to a patriot demands it. Yes, sir, in the presence of the armed monarchies of Europe, with all the powerful elements both on this and the other side of the Atlantic, already in incipient commotion, already rumbling in their deep crater, he is wilfully blind who does not see that the time is not distant when union, concert, all the patriotism, all the virtue, all the wisdom of our whole country, will be demanded. Shall we, sir, continue to stir this most prolific source of discord, aye, of hatred, or shall we settle it, and forever?

TUESDAY, December 22.

Slavery in the District of Columbia.

The question being that depending from yesterday, on the motion of Mr. PATTON, for a reconsideration of the vote by which a memorial praying Congress to abolish slavery within the District of Columbia, was referred to the Committee on the District—

Mr. GRANGER, of New York, said:

Sir, who are these petitioners? They are persons who, looking to the letter of the constitution of their country, and finding there that Congress has the right of exclusive legislation for this District, and not looking beyond that, to the grants of session by the States of Virginia and Maryland, to see under what reservations those grants were made and accepted; and without stopping to ask the still more important question, whether the residents of the District of Columbia require any interference, suppose that Congress have the right to legislate upon this subject. Starting upon this abstract proposition, they have supposed they had a right to appear at the bar of this House, and to ask that the seat of Government of a free nation should be inhabited by those only who are free.

Such, sir, is the condition of these petitioners; and I can never consent that they should be designated as murderers, or that their names should be mingled with those of the abolitionists.

WEDNESDAY, December 23.

Slavery in the District of Columbia.

Mr. MANN, of New York, moved the previous question.

The motion was seconded by the House, by a vote of 104 to 79, and the question of reconsideration being taken, it was decided in the affirmative.

Mr. OWENS said, in consequence of the wide range which the debate had taken, he had determined to move to lay the petition on the table, with a view to prevent the continuance of the discussion upon the motion to commit. The same course he should pursue in regard to every similar petition which might be presented. His resolutions on the subject, which he had indicated to the House, he would offer

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when the States were called for resolutions. He moved to lay the petition and the motion to commit on the table.

Mr. WISE made a point of order. Had not the motion to reject precedence of the motion to lay on the table?

The CHAIR said no motion to reject was before the House, and the motion to lay on the table was not debatable.

Mr. WISE called for the yeas and nays on the question, and they were ordered.

The question being taken, it was determined in the affirmative, as follows:

YEAS.—Messrs. Chilton Allan, Anthony, Ashley, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Double-day, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, Fowler, French, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, May, McKay, McKeon, McKim, Mercer, Miller, Montgomery, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Augustine H. Shepherd, Shields, Shinn, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Washington, Webster, Weeks, Lewis Williams, Sherrod Williams—144.

NAYS.—Messrs. Adams, Heman Allen, Bailey, Bond, Borden, Briggs, John Calhoun, William B. Calhoun, Campbell, John Chambers, Childs, Claiborne, Clark, Cushing, Denny, Evans, Everett, James Garland, Rice Garland, Glascock, Graham, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hammond, Hard, Harper, Hazeltine, Hoar, Hunt, William Jackson, James, Henry Johnson, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, Maury, McCarty, McComas, McKennan, Milligan, Morris, Patton, Dutce J. Pearce, James A. Pearce, Pettigrew, Pickens, Potts, Reed, Robertson, Rogers, Russell, William B. Shepard, Slade, Sprague, Waddy Thompson, Towns, White, Whitteley, Wise—67.

So the petition and the motion to commit were ordered to lie on the table.

WEDNESDAY, December 30.

Representative from Michigan.

Mr. BEARDSLEY said it was within the recollection of the House that, a few days since, he

had moved that the gentleman who had presented himself there as a representative from what is called the State of Michigan, be permitted to occupy a seat on the floor during the sittings of the House. It seemed due from himself that he should ask the House to consider that motion; but, before doing so, he wished to suggest that he designed to modify his proposition, by merely asking the House to permit that gentleman to come within the hall during the sittings of the House in the character of a spectator; that, he trusted, would be acceptable to the whole House; and he had done it with reference to former precedents, particularly that of the State of Tennessee. Mr. B. then sent his modified proposition to the Chair, to be read from the Clerk's table, for the information of the House, and was as follows:

Resolved, That Isaac E. Cray, who claims to have been duly elected a member of this House, be admitted as a spectator within the hall during the sittings of this House.

Objection being made,

Mr. BEARDSLEY moved to suspend the rules of the House to enable him to make the motion, which was agreed to.

Mr. BEARDSLEY then moved the foregoing resolution; which was agreed to.

The House adjourned.

TUESDAY, December 31.

MESSRS. CLAIBORNE and DICKSON, Representatives from the State of Mississippi, appeared, were qualified, and took their seats.

WEDNESDAY, January 6, 1836.

Seminole Hostilities.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. CONNOR in the chair.

On motion of Mr. CAMBRELENG, the committee proceeded to consider the following bill:

A bill making an appropriation for repressing hostilities commenced by the Seminole Indians.

Be it enacted, &c., That the sum of \$80,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses attending the repression of hostilities commenced by the Seminole Indians in Florida.

A communication from the Secretary of War on the subject was read; when

Mr. CAMBRELENG briefly adverted to the depredations committed by the Seminoles, their having laid waste and desolated the country for eighty miles, &c.

Mr. VINTON inquired whether the gentleman from New York was in possession of any information as to the cause of this war, or who commenced it?

Mr. CAMBRELENG said he had in his possession a package of documents containing the

desired information. The disturbance had grown out of a treaty with the Seminoles, the execution of which had been postponed from time to time by them; and when a portion of these Indians had determined to remove, two of their own chiefs had been murdered by themselves, &c. The gentleman from Ohio could examine the correspondence in his possession, and he would be able to satisfy himself on the subject.

Mr. VINTON inquired when the treaty alluded to was made? He did not wish to delay the passage of the bill; but if it was the treaty of 1823, or 1824, it was his intention to move to amend it by making it obligatory on the United States to carry that treaty into effect.

Mr. CAMBRELENG adverted to the necessity of speedy action upon this subject. The war was progressing. Fifteen hundred Indians were in the field, and they were opposed by only about two hundred troops. Unless speedily repressed, they would probably make inroads upon the State of Georgia. If the gentleman from Ohio desired to raise a question or a debate upon the treaty, he could select another opportunity, without embarrassing the present measure.

Mr. ADAMS said: Mr. Speaker, I propose to amend this bill, by introducing, after the word "to be expended," the words "under the direction of the Secretary of War, conformably to law." My objection to the bill as it now stands is, that it is an appropriation rather too indefinite; and I make this motion now, more with a view to anticipate what I presume will be an amendment proposed in another place, than for any other consideration. And I make it now the more readily, because at the close of the last session of Congress, in the case of a similar appropriation, not only the appropriation itself failed, but the whole bill to which it was annexed (and an extremely important one it was) failed entirely, as I understood, in consequence of the indefinite nature of the appropriation.

I ask the gentleman, therefore, to assent to the introduction of something like these terms: "to be expended under the direction of the Secretary of War, conformably to law."

Mr. CAMBRELENG had no objection to the amendment which had been proposed.

The amendment was agreed to, and the bill laid aside.

WEDNESDAY, January 13.

Slavery in the District of Columbia.

The resolution, heretofore offered by Mr. JARVIS, came up in order:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And be it further resolved, that in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate

opinion of the House that the same ought to be laid upon the table without being referred or printed.

The question pending was the following amendment, offered by Mr. WISE:

Resolved, That there is no power of legislation granted by the constitution to the Congress of the United States to abolish slavery in the District of Columbia; and that any attempt by Congress to legislate upon the subject of slavery, will be not only unauthorized but dangerous to the union of the States.

Mr. JARVIS modified his resolution as follows:

Whereas any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country. Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And it is further resolved, that in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

Mr. ALLAN, of Kentucky, moved to lay the resolution as modified, and the amendment, on the table.

The question on the motion to lay the subject on the table was decided—yeas 58, nays 156.

So the House refused to lay the subject on the table.

MONDAY, February 8.

Slavery in the District of Columbia.

Mr. PINCKNEY asked the consent of the House to offer the resolution, heretofore indicated by him on the subject of the abolition of slavery, and objections being made, he moved the suspension of the rules to enable him to offer the resolution. Decided in the affirmative—yeas 138, nays 65.

Mr. PINCKNEY then submitted the following resolution:

Resolved, That all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, (Mr. JARVIS,) with the amendment thereto proposed by an honorable member from Virginia, (Mr. WISE,) and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instructions to report that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to

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repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States and of the people of this District, and to re-establish harmony and tranquillity amongst the various sections of the Union.

Mr. **BOYD** moved the previous question, and it was decided in the affirmative—yeas 118, nays 47. So the main question was ordered to be put.

Mr. **VINTON** called for the division of the resolution into three several parts; so that the question should be taken on the following clauses separately:

1. "Resolved, That all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, (Mr. **JARVIS**), with the amendment thereto proposed by an honorable member from Virginia, (Mr. **WISE**), and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee."

2. "With instructions to report that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy."

3. "And that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union."

The **CHAIR** stated the division indicated was in order, and the decision of the Chair was affirmed by the House.

The question being taken on the first member of the proposition, as above divided, it was determined in the affirmative.

So the first clause was agreed to.

The second member of the proposition was determined by—yeas 201, nays 7.

So the second clause was agreed to.

Mr. **WISE**, when his name was called, rose and said: I refuse to vote at all upon such a proposition; because to affirm any proposition by declaratory resolution is to admit it needs affirmation; and because Congress has no constitutional power either to affirm or deny any proposition whatever, in relation to slavery in the States.

Mr. **PICKNEY** moved that the gentleman be excused from voting; which was agreed to.

The question being about to be taken on the third branch of the proposition—

Mr. **UNDERWOOD** called for a division of the question on this branch, so as to take the question on the clause declaring that Congress "ought not to interfere in any way with slavery in the District of Columbia," and omitting the reasons therefor.

The **CHAIR** decided that the division was in order, and the question being taken on the first clause of the third branch indicated by the gentleman from Kentucky, (Mr. **UNDERWOOD**), it was decided in the affirmative, as follows:

YEAS.—Messrs. Chilton Allan, Anthony, Ash, Ashley, Barton, Beale, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Bunch, Bynum, John Calhoun, Cambreleng, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Graham, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepherd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thompson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Wardwell, Washington, Weeks, White, Lewis Williams, Sherrod Williams—163.

NAYS.—Messrs. Adams, Heman Allen, Bailey, Banks, Bond, Borden, Briggs, William B. Calhoun, George Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Granger, Hard, Hazeltine, Heister, Hoar, Hunt, Ingersoll, William Jackson, Janes, Lawrence, Lay, Lincoln, Love, Samson Mason, McCarty, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Sloane, Sprague, Vinton, Webster, Whittlesey—47.

So the first member of the third clause, as above stated, was agreed to.

The question on the remaining part of the third clause, was decided by—yeas 127, nays 75.

So the remainder of the third clause was agreed to.

The question being on the remaining portion of the resolution, it was read as follows:

"Assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States and of the people of this district, and to re-establish harmony and tranquillity amongst the various sections of the Union."

The question was then taken on agreeing to this residue of the resolution, and determined in the affirmative—yeas 167, nays 6.

So the whole resolution was carried, and the committee ordered to consist of nine.

Mr. **GARLAND**, of Louisiana, asked the con-

sent of the House to permit him, and also the gentlemen from Georgia and Virginia, (Messrs. GLASCOCK and ROBERTSON,) to enter their reasons on the journal for the vote given by them on the resolution just adopted.

Objections being made, Mr. GLASCOCK moved to suspend the rules for that purpose; which was disagreed to.

United States and France.

The SPEAKER laid before the House the following Message from the President of the United States:

To the Senate and House of Representatives:

The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy, which, as it involves our honor and independence, admits of no compromise, I have cheerfully accepted the offer. It will be obviously improper to resort even to the mildest measure of a compulsory character, until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special Message of the 15th of January last, which proposes a partial non-intercourse with France. While we cannot too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to, until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country, and forget the lessons of experience, if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I cannot too strongly repeat the recommendation already made to place the seaboard in a proper state of defence, and promptly to provide the means for amply protecting our commerce.

ANDREW JACKSON.

WASHINGTON, February 8, 1836.

On motion of Mr. MASON, of Virginia, the Message was referred to the Committee on Foreign Affairs, and ordered to be printed.

FRIDAY, February 12.

The Late Chief Justice Marshall.

Mr. INGERSOLL, with the unanimous consent of the House, offered the following resolution:

Resolved, That the Committee on the Library be instructed to cause a marble bust of the late Chief Justice Marshall to be prepared by an artist of merit and reputation, and to be placed in the chamber of the Supreme Court of the United States, in a position corresponding with that of the bust of the late Chief Justice Jay.

Mr. INGERSOLL said: I am not about to pronounce an eulogium on the character of John Marshall. His merits are already recorded in the hearts and judgments of his countrymen. A recollection of them will be cherished as long as a just estimate can be formed of brilliant talents and unspotted integrity, as long as gratitude shall continue to be a virtue. Few men since the formation of the Government have served it so well, and none more faithfully. In the administration of the laws, under a Government of laws, he was for nearly five-and-thirty years supreme in station, in abilities, and in usefulness. It has been the peculiar fortune of this republic that it has found on different occasions, when it has called its eminent citizens to posts of public duty, a happy fitness in the individual to his station, a devotion of purpose in the man, and a confidence in his designs on the part of the people; a union and an aptitude from which nothing but lasting benefits can arise. Many shining properties were centered in the eminent person to whom it is the object of this resolution to offer a feeble tribute of respect and gratitude—properties which justify the feeling universally entertained for him as the pride and the boast of his countrymen. When this and much more shall be done by them, the nation and posterity will continue to be immeasurably his debtors. I submit the resolution as a cheerful acknowledgment of the debt we owe, and as the pledge of an effort to repay it in the emulation of his virtues.

Mr. STORER remarked that some weeks ago he had presented a memorial from Hiram Powers, requesting Congress to employ him for the purpose of executing the work proposed in this resolution. The memorial was before the Committee on the Library, who would report upon it in a few days.

Mr. McKEON suggested to the gentleman from Pennsylvania the expediency of modifying the resolution so as to refer the subject to the Joint Committee on the Library.

Mr. INGERSOLL so modified the resolution, and it was agreed to, *nem. dis.*

TUESDAY, March 8.

Mr. DIXON H. LEWIS, a member of the House of Representatives from the State of Alabama, appeared, was qualified, and took his seat.

MONDAY, March 14.

Suppression of Indian Hostilities.

The bill making a further appropriation for suppressing Indian hostilities in Florida, was read the third time.

Mr. STORER did not rise to oppose the bill, but merely to ask for some light on the subject. If it were necessary, he would vote for ten times the amount asked for, but he could not do so unless it was actually necessary. He

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Purchase of Books.

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said they had already voted half a million of dollars for the suppression of Indian hostilities in Florida, and to feed all the suffering inhabitants thereof; and he asked the chairman of the Committee of Ways and Means if he could show any reasons why they should vote more money. He said it was the practice with the committee of which Mr. S. was a member to give the reasons, when they reported a bill, for so doing; but there the committee which had the whole management of the appropriations of the House introduced bills without a solitary reason to sustain them. He wished to know what were the grounds for the appropriation at present asked for.

Mr. CAMBRELENG called for the reading of a letter from the Secretary of War, which, he remarked, would probably be satisfactory to the gentleman from Ohio.

The letter was read, and the bill passed.

WEDNESDAY, April 6.

Purchase of Books.

Mr. BRIGGS moved to suspend the rules for the purpose of offering the following resolution:

Resolved, That the Clerk of the House be authorized and required to furnish the new members of the twenty-fourth Congress with the same books furnished to the members of the twenty-third Congress.

It being suggested that a similar resolution was on the Speaker's table, Mr. BRIGGS varied his motion so as to take up that resolution; which motion was agreed to.

Mr. JOHNSON, of Tennessee, objected to the passage of the resolution, and felt it his duty to make a statement to the House of the expenditures which would arise upon the adoption of the resolution. He had examined into the subject, and caused a statement to be made, showing the books that would be printed and purchased under the resolution, and he found it would cause a reprint of eighty-four volumes, which would cost the sum of \$35,041 16; and under it the Clerk of the House would purchase fifty-four volumes, now in print, or preparing for the press, costing the sum of \$63,938; making an aggregate expenditure of near one hundred thousand dollars; making over one thousand dollars in books to each of the new members of the present Congress.

Mr. J. read a catalogue of the books, and the cost, as estimated by one of the Clerks of the House, as follows:

	Cost estimated.
7 vols. Docs. of 2d session, 22d Cong.	\$3,118 50
4 do. Elliot's Debates, - - -	1,237 50
2 do. Manufacturing Documents, -	891 00
27 do. Docs. and Jour. 1st Sess. 23d Cong. - - -	12,475 10
19 do. Diplomatic Correspondence, -	4,845 06

9 vols. Journal to 1815, - - -	Cost estimated.
1 do. Land Laws, - - -	\$4,455 00
12 do. Docs. and Jour. 2d Sess. 23d Cong. - - -	693 00
4 do. Journals to 1778, - - -	5,346 00
85	1,930 00
	\$35,041 16

Works in Print.

1 vol. Doc. His. of U. S. Bank, at 4 50 each, - - -	\$445 50
9 do. Register of Debates, at 65 each, -	7,425 00
1 do. Livingston's Code, at 5 " - - -	495 00
1 do. Com. Regulations, at 5 " - - -	495 00
1 do. Peck's Trial, at 5 " - - -	495 00
1 do. Cobb's Manual, at 1 " - - -	390 00
20 do. Amer. State Papers, at 227 40 " -	22,612 60
20 do. Doc. His. U. S., at 320 " - - -	31,680 00
54	\$63,938 10

Mr. J. said many of the books which would necessarily be reprinted, if the resolution was adopted, were wholly useless, and would never be read. He referred to the volumes of the documents of the first session of the last Congress, containing the panic memorials and the names of the memorialists, and also those containing the names of the pensioners. He thought the thousand dollars could be as well, much better expended, for the benefit of new members in purchasing other books of a different character. Mr. J. regretted placing himself in a position in which he might have the appearance of acting unkindly to the new members of the present Congress. He felt it his duty to resist such an application of the publication heretofore as well as now; he had uniformly opposed all such propositions, from the time he had the honor of a seat upon this floor, and he expected to do so. If Congress should purchase and present books to the members of Congress, they should be returned to the public library upon the expiration of their respective terms, for the use of their successors. The resolution seemed plausible, in placing the new members upon the same footing with the members of the last Congress; it was apparent, however, that they could, with the same propriety, claim as many books as the members of the present Congress who had served fifteen or twenty years; and all our successors upon this floor might, with the same propriety, make the same claim. He felt it his duty to make these statements to the House, and he should ask the privilege of recording his vote in opposition.

Mr. INGERSOLL (who originally offered the resolution) said: I introduced this resolution, not so much from any impulses of my own, as in compliance with the wishes of others, who, like myself, are without the advantage of personal experience here. I do not desire to urge it beyond a point which may be considered perfectly reasonable and just. The resolution, it will be perceived, merely adopts the precedent which has been set by those members of the present Congress who were also

members of the last. All of them, I presume, have either supported the measure by their votes, or availed themselves of its fruits. The gentleman from Tennessee has, as he says, received the books, and he manifests the utility of them in the information which he habitually communicates to the House. Those who are entirely without the benefit derived from a participation in the past proceedings of Congress, are obliged to recur to the volumes in question, in order that they may reach the information necessary to enable them to give a conscientious vote upon almost any subject that occurs. For myself, I acknowledge my obligations to an honorable friend for the use of the books which have been furnished to him under former resolutions of a similar character. The State Papers, which are especially objected to, are of peculiar value, and of constant use as a work of reference.

This resolution, however, is more important in a public than a private sense. Besides the immediate communication of intelligence to members of Congress, it contemplates a broader diffusion of interesting knowledge throughout the nation, and throughout the world. Every element of the present elevation of the country in power and in happiness is to be found in the works which it is proposed to distribute.

You cannot better serve the cause of universal freedom and sound political wisdom, than by exhibiting, everywhere, the measures which this nation has resorted to and adopted in the course of its brief but comprehensive history. After the books have been used by the immediate representatives of the people, they will become the property of the people themselves. They will be cherished as the true, and, before long, the only evidence accessible to every citizen of the wisdom and the errors of those who have gone before us. They will teach lessons of equal practical utility, whether they reflect a record of proceedings which are wise enough to be imitated, or erroneous enough to be avoided.

The example of another Government is worthy of recollection. Your library has recently been enriched by a gift of the valuable and extensive publication of the almost by-gone monuments of British history and British law. That politic and liberal nation has endeavored to spread as widely as the empire of civilized man extends, the information contained in those costly volumes. Not only are the especial libraries of sister Governments in possession of them, but the existence of them is perpetuated by finding them a place in the halls of all the celebrated seminaries of learning throughout Christendom. It appears to me that we owe at least as much to our fathers and to ourselves.

At a moment when the national Treasury is filled to repletion, what better use can be made of a comparative modicum of its surplus wealth than that which the resolution contemplates? Not an interest can suffer. Every

one may be benefited. The expense which is complained of is insignificant, whether it be compared with the good effects that are likely to be the consequence, or with the ordinary profusion which is manifested in the printing of public documents by the House.

With respect to one of the works called for, it is not easy to understand upon what principle a preference is to be given to our more experienced brethren over ourselves. Where publications have been made heretofore, and are now exhausted by distribution, there may be plausibility in the argument which objects to a renewed expense. But the "Documentary History of the United States" is yet in embryo. Not a member has been furnished with it. When it shall have issued from the press, and comes fresh and new for the information of the people, with the whole expense which it calls for yet to be incurred, I claim for all the representatives an equal right to partake of the benefits which it confers.

After some remarks from Messrs. REED, JUDSON, and SPEIGHT,

Mr. SPEIGHT called for the orders of the day.

FRIDAY, April 8.

Wisconsin Territory.

On motion of Mr. MAY, the House proceeded to the consideration of the bill to establish the Territorial Government of Wisconsin. After a debate upon details, and various amendments adopted,

The bill was ordered to be engrossed for a third reading, and was read a third time and passed.

MONDAY, April 11.

Deposit Banks.

Mr. WISE offered the following resolution:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the agency or mode of selecting the banks of deposit for the public money, and into the contracts with the Treasury Department, by which they are regulated, and into the manner in which, and the persons by whom, such contracts are made; and to inquire whether any, and if any, what connection or relation, official or unofficial, exists, or has existed, between a certain Reuben M. Whitney and the Treasury Department of the United States, or between him and the banks of deposit of the public money, and into the extent of his agency generally, in keeping and controlling the public money, and into the amount of his compensation, whether the same be paid out of the public Treasury or by the deposit banks; and that said committee have leave to report by bill or otherwise.

Objections having been made,

Mr. WISE moved to suspend the rules; and,

The question being taken, the motion was rejected—yeas 85, nays 82—two-thirds.

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General Appropriation Bill—Documentary History.

[H. OF R.]

SATURDAY, April 16.

General Appropriation Bill—Documentary History.

The House took up the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The bill was reported at a late hour last night, from the Committee of the Whole on the state of the Union, with sundry amendments, and the question was on concurring with the committee in their report.

The committee proposed to strike out the following clause:

"For the Documentary History of the American Revolution, per act of 2d March, 1833, \$20,000."

Mr. EVERETT excepted to the amendment, on the ground of its rejecting a provision to carry into effect a valid and binding contract.

Mr. PHILLIPS produced the contract made by Mr. Secretary Livingston with Clarke and Force, and a letter addressed by them to Mr. Secretary Forsyth; which were read by the Clerk.

The debate was continued by Mr. THOMPSON, of South Carolina, and Mr. CHAMBERS, of Pennsylvania, in favor of the clause, and by Mr. CAYE JOHNSON against it.

Mr. CARTER submitted an amendment to the clause directing the Secretary of State to notify Clarke and Force to discontinue the said work, and to ascertain the probable amount of damages that would be incurred by rescinding the contract, and to report the same to Congress at the next session.

Mr. SREIGHT suggested to the gentleman to withdraw his amendment, and to permit the question to be taken on the amendment of the committee to strike out.

Mr. ADAMS spoke in favor of the appropriation.

Mr. SMITH, of Maine, said all the gentlemen opposed to the amendment offered by the honorable gentleman from Tennessee appear extremely desirous of holding the House to the strict letter of the contract alleged to have been made by the late Secretary of State, (Mr. Livingston,) with Messrs. Clarke and Force. They maintain that the honor of the nation is involved in the fulfilment of the construction now put upon that contract. I am in favor, said Mr. S., of looking into the letter of it, but desire that the spirit also of the instrument, by which the honor of the nation is said to be thus deeply pledged, may also be examined. I think, sir, that it will be found, upon critical examination, that there is evidence enough in the documents connected with this contract, that no injustice will be done to Messrs. Clarke and Force by striking out the appropriation of \$20,000 now under consideration, and that the honor of the nation will be in no degree violated by following out hereafter the course indicated by the resolution of the House adopted this morning, referring the whole subject of

these books to the Committee of Ways and Means for final investigation.

The honorable gentleman from Tennessee has remarked that this contract, if not a fraud in its inception upon the Congress of 1833, is, in the shape which it is now made to assume, a great imposition upon this House, and that the House is not bound to sustain it. I am, sir, also of this opinion, and I think there is evidence to substantiate this opinion to the satisfaction of any impartial jury of twelve men that might be empannelled in any part of the country. Let me invite the attention of the House to some features of the contract, to show that it was not contemplated either by Clarke and Force, or by the Congress of 1833, to be of the character and magnitude now represented by the honorable gentleman from Massachusetts, (Mr. ADAMS,) and by other gentlemen who preceded him on the same side.

By turning to the contract of Clarke and Force with Mr. Livingston, then Secretary of State, I find the following language made use of, descriptive of the work then contemplated:

"The said Edward Livingston, &c., doth hereby authorize and direct the said Clarke and Force, jointly and severally, to prepare and publish fifteen hundred copies of said 'Documentary History of the American Revolution,' according to the plan laid down in their memorial and accompanying documents presented to Congress, and upon which said act has been passed."

Now, turn to the memorial here alluded to, for "the plan" of the work. That memorial, the original proposition of Clarke and Force, reads thus, in part:

"The memorial of the subscribers respectfully represents, that as early as the 11th day of July, 1778, the memorial of Ebenezer Hazard was presented to Congress, calling their attention to the importance of 'a Collection of American State Papers.' On the 20th of the same month, certain resolutions were passed, approving of the object, and granting such patronage and facilities as he desired. (See copies herewith, A.)"

"Shortly after Mr. Hazard was appointed Postmaster General, two volumes were published by him; but the object of Congress was not attained, inasmuch as not a single document relating 'to the rise and progress of the present war with Great Britain,' referred to by the committee, was published by him. He gave up the work in consequence of his other engagements; and no one has since ventured to complete it.

"Your memorialists present themselves to Congress, willing and partially prepared to undertake this interesting and laborious collection," &c.

Such is the language that is descriptive of the work to which the Congress of 1833 was induced to extend its patronage, by the act of March 3d, of that year. And such is the plan of the work to which that act has reference, and upon which it was based. It was, substantially, to aid in the particular work which Hazard had projected and commenced, and in none other. What evidence have we further,

of the character of Hazard's plan, and of the magnitude of it? Why, sir, we have evidence on this point, which cannot but be of the most satisfactory character; evidence by which we can accurately judge of the view entertained by the Congress of 1833 upon this subject. We have the resolutions of the Congress of 1778, respecting Hazard's proposed work; and these resolutions are referred to by Clarke and Force in their contract with Mr. Livingston, and constitute a part of their memorial to the Congress of 1833, for the purpose of describing "the plan" of their work. One of these resolutions of 1778 reads thus, after setting forth "that Mr. Hazard must necessarily be put to expense of various kinds in procuring the extensive collection of materials he proposes to make:"

"Resolved, That to enable Mr. Hazard to sustain such expense, one thousand dollars be advanced to him upon account, returns being made to Congress of his expenses in this business."

Such, sir, is the indication furnished in the papers of Messrs. Clarke and Force, the memorialists, of the views entertained by the Congress of 1778 relative to Mr. Hazard's work, which these memorialists described to the Congress of 1833 as the plan of their work; they having transferred the title of Hazard's work, "*A Collection of American State Papers*," into the title of "*A Documentary History of the American Revolution*." Will it be pretended, sir, hereafter, upon this floor, that the Congress of 1778 contemplated, in Mr. Hazard's work, an enterprise to be compared in any thing with the work now attempted to be imposed upon Congress under Clarke and Force's contract? It has been demonstrated that this latter work is to cost from four hundred and eight thousand to half a million of dollars, as the least estimate. And will the gentleman from Massachusetts, (Mr. ADAMS,) or any other gentleman, reflect so severely upon the Congress of 1778 as to charge them with having in view a work of this magnitude, or any thing like it, when they contributed the trifling, pitiful sum, in comparison, of one thousand dollars, to aid Hazard in his work? Sir, we are told by these memorialists themselves, Messrs. Clarke and Force, that to Hazard's work, whatever it was—and it is alluded to by them as giving the outline of their own plan—that the Congress of 1778 granted to Hazard "such patronage and facilities as he desired." This is their own language, and their own showing; for I do not go out of the case they have given in their original documents, presented to the Congress of 1833, for my proofs that the contract which they now claim to have made is not the contract, and their present work is not the work, had in view either by themselves or the Congress of 1833. Let me ask gentlemen if they believe that Hazard, had he in contemplation an enterprise involving an expense of nearly half a million of dollars, at the lowest estimate, would have desired, "patronage and facilities"

of Congress to the amount of only one thousand dollars, inasmuch as they were willing to grant all that he desired? Sir, I maintain that here is proof enough to insure the verdict of any jury in the country, that neither Hazard, nor the Congress of 1778, nor the Congress of 1833, for an instant conceived of such a stupendous enterprise as is now set up under the contract of Mr. Livingston, which has been read, nor do I believe that the memorialists themselves contemplated one of such magnitude at that time. I believe, sir, that here is evidence in abundance, in their reference to Hazard's plan, as a description substantially of their own plan, and in the character of the resolution of 1778 respecting Hazard's plan, to sustain the positions taken by the honorable gentleman from Tennessee, that Congress has been outrageously imposed upon under this Clarke and Force contract, and that Congress is not bound now, in neither honor nor equity, to fulfil the construction now attempted to be put upon it. Sir, we ought to stop, before contributing an additional sum of \$20,000 to the sum of \$20,000 already appropriated, until a thorough investigation of the subject has been made by the Committee of Ways and Means, under the resolution of the same honorable gentleman, adopted on this morning by the House.

We are told, further, by these memorialists, that Mr. Hazard pursued his plan through two volumes, and then abandoned it. Why did he abandon it? Because the magnitude of the enterprise was too great for his means, and because Congress refused to aid him sufficiently in comparison to his enterprise? No such thing. Congress contributed one thousand dollars towards it. It does not appear that more was needed. But he abandoned it; we are told "he gave up the work in consequence of his other engagements, and no one has since ventured to complete it." Such is the history of the work he planned, and such is the plan of the work presented to the Congress of 1833, to induce them to pass the act under which the present enormous claim of Clarke and Force is set up.

MONDAY, April 18.

General Appropriation Bill—Documentary History.

The House resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The bill had been considered in Committee of the Whole, and the question immediately pending was on concurring with the amendment of the committee to strike out the following clause: "For the Documentary History of the American Revolution, per act of 2d of March, 1833, \$20,000;" and

Mr. CARTER moved to amend the clause by directing the Secretary of State to notify Clarke

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and Force to discontinue the said work, and to ascertain the probable amount of damages that would be incurred by rescinding the contract, and to report the same to Congress at the next session.

Mr. PEARCE, of Rhode Island, addressed the House in opposition to the amendment of the committee, and in favor of retaining the clause. MESSRS. VANDERPOEL, GLASCOCK, THOMPSON of South Carolina, TOUCEY, CHAMBERS of Pennsylvania, EVERETT and ADAMS, followed on the same side.

Mr. HARDIN and Mr. RENCHER spoke in opposition.

The question recurred on concurring with the Committee of the Whole in their report, being to strike out the clause; and it was further debated by Mr. PATTON of South Carolina, Mr. CAVE JOHNSON, and Mr. TOUCEY.

The question was then taken on concurring with the Committee of the Whole, and it was decided in the negative—yeas 85, nays 93.

TUESDAY, April 19.

Deposit Banks.

By general consent, the House proceeded to consider the following resolution, heretofore submitted by Mr. DROMGOOLE.

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposit of the public money of the United States; of all contracts, agreements, or stipulations, entered into with said banks for the safe keeping of said moneys; that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations, concerning the deposit and safe keeping of said moneys in said banks.

The question being on the motion of Mr. WISE to amend the resolution by striking out all after the word "Resolved," and inserting the following:

That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department, by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposit of the public money; and into all connection or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposit banks, or any individuals or banks, touching the custody and the control and deposit of the public money; or between any department of the Executive, and any individual or

individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department or said banks, touching the disbursement, safe keeping, or deposit, of the public money; and that said committee have leave to report by bill or otherwise.

Mr. WISE resumed and concluded his remarks in support of his motion.

When Mr. WISE had concluded, Mr. PEYTON and Mr. DROMGOOLE both rising nearly at the same time, the SPEAKER gave the floor to Mr. PEYTON, who addressed the House.

Mr. DROMGOOLE replied at length to the gentlemen from Virginia and Tennessee, (Messrs. WISE and PEYTON.) He expressed his surprise at the opposition this resolution had met with, as it was a mere ordinary resolution of inquiry, such as were almost daily presented, and agreed to without a question. The question was this: was the information called for in it desirable to be placed in the possession of the House? He maintained that it was absolutely essential for the action of the House upon the bill regulating the public deposits. Mr. D. then contended that the information called for was full and ample; but that, if the response turned out to be unsatisfactory, his colleague might then extend the inquiry. He denied most unequivocally, in reply to his colleague, that the effect of this resolution would be to smother inquiry or to suppress the truth; and he repelled the idea that he had consulted the Secretary of the Treasury in draughting the resolution; but he was unwilling to condemn him, or any other officer, unheard, or without investigation. Again: he was not disposed to go into the private inquiry embraced in the amendment of his colleague. He could not consent that a resolution asking for information from the head of a Department should be supplanted by the appointment of an inquisitorial committee; founded, too, upon the assumption of guilt on the part of that officer. It would be prejudging the case, and no good could result from it. But Mr. D.'s resolution in no way embarrassed the proposition of his colleague, and the gentleman might continue to urge it as a distinct proposition, either before or after obtaining the required information. Mr. D. dwelt at length on the subject, and concluded by hoping the resolution he had submitted would be adopted; and that, as soon as practicable, they would act on the bill regulating the deposits of the public money in certain local banks; to do which the information called for by this resolution was essentially necessary.

Mr. PEYTON, rose merely to add a few words, by way of making himself perfectly understood by the gentleman from Virginia, (Mr. DROMGOOLE.) He would regret that the honorable gentleman should leave his seat under the impression that he had cast the slightest shade of imputation on his motives. Far, very far,

from it, Mr. Speaker. Nothing could be more conclusive as to the confiding innocence with which the honorable gentleman has acted than the resolution which he has submitted on this subject, by which he, in effect, says to the Secretary of the Treasury, "If you have recorded your crimes, if you have enrolled your infamy, in the Departments, do send it to us, if you please." This is the extent of his inquiry; no more. Why, sir, the gentleman is not only honest himself, but thinks all other men equally honest; and I must think the gentleman considers them a little silly into the bargain, to expect confidently, as he surely does, that they would record any thing leading to their own crimination, or communicate it, from honor, if they had done so. To the same cause—the same unsuspecting simplicity of mind—must be attributed the fatal motions which he made with regard to the executive patronage bill, and that for the amendment of the constitution in relation to the election of President and Vice President. Mr. Speaker, I am grieved thus to see an honest, credulous, confiding man, unversed in the ways of this wicked world, thrown into this House and this party, to be used, innocently and ignorantly used, for such purposes. But, sir, if any thing is wanting to establish the gentleman's claim to full and complete innocence in this whole transaction, it may be found in the fact that he attributed to me a disposition to throw obstacles in the way to the consideration of the bill regulating the deposits, when it is notorious that I offered a resolution fixing a day certain for the consideration of that bill. I have moved it—made a breakfast spell of it—every morning for six weeks! No, not every morning; about, upon an average, every other morning; as often as my modesty (for I have a great regard for modesty) would allow. Whereas the gentleman and his friends, "the party," have voted every morning against fixing any day; for, sir, I was willing that they should name the day for the consideration of the bill regulating the deposits. Yes, sir, these are the facts; and yet that gentleman honestly and innocently believes that I, and not he and his friends, have been endeavoring to thwart that measure. This is a case, a plain case, as much so as that of the Indian. His companion had been shot, climbing a tree, by a white man. They had an investigation of the matter, and the Indian asked the white man "why he shot his friend." "I took him for a bear," was the reply. Says the Indian, with a stern, inquiring look, "White man shoot an Indian up a tree, with red leggins on, for a bear?" "Yes." "Well, I'm done." I am done, sir.

Mr. CAMBRELENG called for the orders of the day.

THURSDAY, April 21.

General Appropriation Bill.

The House took up the bill making appropriations for the civil and diplomatic expenses of the Governments for the year 1836.

The question being on the final passage of the bill,

Mr. MERCER moved to recommit the bill to the Committee of the Whole on the state of the Union, with instructions to reduce the appropriations for the custom-house at New York from \$300,000 to \$100,000, and providing that the total cost should not exceed \$500,000; and, also, to add another section to the bill, enacting that, out of the nett proceeds of the sales of the public lands received in the years 1832, 1833, 1834, and 1835, there be appropriated the sum of \$23,861,972, for the common use and benefit of the several States of the Union, to be apportioned among them according to their respective federal or representative numbers, and to be paid, in four equal quarterly instalments, to the treasurer or other proper officer of each State, respectively; the first instalment to be paid on the 1st of July next, and the others on the 1st of October, January, and April, following; with a provision that each of the seven new States should receive 10 per cent. in addition to their allotment.

Mr. CAMBRELENG remarked that he was as anxious as any gentleman to discuss this whole subject; but he hoped the appropriation bill would not be delayed by a debate on the subject which would occupy weeks, or perhaps months. He would suggest, however, that when the army bill came up, it would present an opportunity to bring up the whole subject.

Mr. MERCER inquired what possible connection had his proposition with appropriations for the army?

Mr. CAMBRELENG replied by referring to the proposed appropriations for the public defences of the country, which would open the whole discussion on the surplus revenue. He would merely remark that there was every probability that in 1838, '39, and '40, the public revenue would not exceed two-thirds of the expenses of the Government.

Mr. FRENCH said that he was in favor of distributing among the States the nett proceeds of surplus money arising from the sales of the public lands. His constituents were intelligent and patriotic, and knew as well as he did that the Congress was under paramount obligations, first to apply to all national objects as much of the public money as the public interest and service required. That being done, the balance of the nett proceeds of the public lands remained to be disposed of by Congress. He held himself incapable of deceiving his constituents; and every pledge made should be, on his part, honestly redeemed. They would not expect, however, much less require of

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Proceeds of the Public Lands.

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him, in the discharge of his duties here, to depart from the established usages of legislation, and jeopard the passage of the bill under consideration, by an amendment which, if added to the bill, might and probably would defeat it.

He could not concur with the honorable gentleman in incorporating in this bill the amendment proposed.

Mr. SPEIGHT said he could not say, as his friend from Kentucky (Mr. FRENCH) had said, that if this proposition were to come forward in a proper manner he would vote for it; for Mr. S. could not vote for it in any form, much less could he do so when it was attached to the civil list bill, which, if passed with such an amendment, as every gentleman knew, would jeopard its passage. Mr. S. said he looked upon the principle contained in the proposition as one of the most obnoxious ever presented to the American Congress; and, as it was a subject which had somewhat agitated the public mind in his State, he should, when it came up in due form, ask permission of the House to give his views on it. For the present he forbore, because he deemed it improper; and he therefore demanded the previous question.

The previous question was seconded—ayes 88, noes 64.

The CHAIR remarked, that if the House ordered the main question to be put, it would be on the passage of the bill.

Mr. MERCER. If the Chair so decide, I appeal from the decision. I contend that the main question will be on the commitment of the bill.

The CHAIR stated the question. The bill had been read the third time, and the question was on its passage. The gentleman from Virginia moved to recommit the bill with certain instructions. The previous question was moved and seconded; and there could be but one main question, and that would be on the passage of the bill. The previous question cut off all amendment, all debate. The only motions which could be entertained after the previous question was ordered, was to adjourn, or to lay on the table. The rule and the practice of the House were plain and explicit on this point.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the previous question; which were ordered, and were:

YEAS.—Messrs. Anthony, Ash, Ashley, Bean, Boon, Bouldin, Bovey, Boyd, Buchanan, Bunch, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, James Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, R. M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lansing, Lawler, Gideon Lee, Joshua Lee,

Leonard, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Morgan, Owens, Page, Parks, Patterson, Franklin Pearce, Dutee J. Pearce, Pettigrew, Phelps, John Reynolds, Ripley, Roane, Seymour, Shields, Shinn, Sickles, Smith, Speight, Standefer, Sutherland, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Webster—108.

NAYS.—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, John Calhoun, William B. Calhoun, Campbell, George Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, Granger, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Lane, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Samson Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, James A. Pearce, Peyton, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Spangler, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, Whittlesey, Lewis Williams—76.

So the House determined that the main question be now put, which the CHAIR stated would be on the passage of the bill.

Mr. MERCER then appealed from the decision of the Chair, and contended that the main question was on the commitment of the bill.

Mr. SPEIGHT made a few remarks in reply to Mr. MERCER, and in favor of the decision of the Chair.

Mr. MERCER then withdrew his appeal, stating that he was satisfied he was correct in his views on this subject.

The bill was then passed.

MONDAY, April 25.

Proceeds of the Public Lands.

The House resumed the consideration of the resolution of the Kentucky Legislature, in favor of a distribution of the proceeds of the sales of the public lands.

The question pending was the motion of Mr. WILLIAMS, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill for the distribution of the proceeds aforesaid among the several States, for purposes of internal improvements and education.

Mr. HAWES addressed the House.

Mr. Speaker, I have departed from the subject of the resolutions, in order to answer other gentlemen; and I shall now say a few words in relation to them. The one proposition is to divide the proceeds of the public lands among the States, for the purpose of education and internal improvement; and the other, which stands in opposition, is the project of the able and indefatigable representative from Illinois, (Mr. CASEY,) who is ever attentive to the trust reposed in him by his

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constituents, to graduate the price of the lands, and thus open a door to their actual settlement by the hardy yeomanry of the land. Believing, as I do, that the first proposition will prostrate the interests of the West, make that portion of the Union tributary and subservient to the Eastern and Southern States, and paralyze the arm of exertion and industry, without corresponding benefits, I am forced to vote against it. I am a Western man. I represent a portion of the people of that country, and (though there are no public lands in Kentucky) I cannot be instrumental in prostrating the interests of our sister States; to bind, manacle, sell, and deliver them over to the balance of the Union. Let the other States but once revel in the spoils wrested from the West, and where is the remedy in case we should wish to reduce the price of the public lands? Shall we act on the principles of the monarchies of Europe, keep large forests and hunting-grounds, to be the abode of beasts of prey? or shall we, for a small consideration, open them to the actual occupation of the honest farmer and his family?

This is the true question to be decided; and, for myself, I would prefer to see the land occupied by a prosperous and industrious population, surrounded by peace, plenty, and happiness, with the glorious privilege to say this is my own, and no one can wrest it from me, than draw from them and their little ones their hard-earned dollars, to be lavished in wild and reckless profusion among the States of this confederacy. The people should never be taxed to a greater amount than is actually necessary for an economical Government; and whenever the receipts exceed the expenditures, the burdens ought to be removed to that extent. I will not, by any vote of mine, ask the people to look up to the General Government as superior to themselves; or, in other words, I will not recognize the claim of the Government to collect more from the people than is actually necessary for authorized and constitutional purposes. I cannot recognize the right of Congress to say to the States what they shall and what they shall not do with the dividends. They shall not say to us—do this, and do that; spend this amount in internal improvement, and that in education. Sir, this education is another scheme of the aristocracy to appropriate the whole to their own benefit. The schools will be established in the towns alone, and no provision made for the country; and hence the great body of the people will receive no benefit, while the wealthiest portion of the community reap the whole. I need dwell no longer on this subject, for the weakest mind can discover its operation at the first glance, and that operation will be to make the rich richer, and the poor poorer; to throw abundance into the lap of wealth, and take away the hard-earned and scanty subsistence of poverty; the amount of all which is, that the many become dependent on the few,

and thus destroys equality of rights and privileges, and drives liberty from our happy and prosperous land. Mr. Speaker, here is the last foothold and resting-place of liberty in this world; it is the only land where men enjoy rights and privileges on equality; it is the home of the oppressed of all nations, climes, and countries; and, for myself, I will not aid in the subversion of this glorious fabric, so nobly sustained by our ancestors, and so generously handed down to us for preservation.

FRIDAY, April 29.

The HON. THOMAS T. WHITTLESEY, of Connecticut, elected to supply the vacancy occasioned by the death of the Hon. ZALMON WILDMAN, appeared, was qualified, and took his seat.

TUESDAY, May 3.

Death of Mr. Richard J. Manning.

MR. PINCKNEY rose and addressed the House to the following effect:

Mr. Speaker: Often as Death has already been amongst us this session, he has again entered within these walls, and taken another, and one of the most excellent members of this honorable body. Yes, sir, Death has again been amongst us; and it is in consequence of one of those sudden and awful dispensations of Divine Providence, to which, however painfully we may feel them, it is our duty to submit, that I now rise to announce to this House the decease of my late honored and lamented colleague, RICHARD J. MANNING. He left this city on Friday last, on a visit to Philadelphia, and died, as I am informed, at that place, on Sunday evening, of a hemorrhage, produced by the rupture of a blood vessel in his lungs. Surely, if ever there was an event which could teach us "what poor shadows we are, and what shadows we pursue," this is one which should impress that lesson deeply on our minds. But a few days ago he was here, in his place upon this floor, in the pride of intellect and vigor of manhood, mingling freely with his fellow-members, partaking the cares and honors of legislation, and discharging the high duties of a representative of the people in the councils of the nation. Now he is numbered with the silent dead. I know that it is customary, upon occasions of this kind, to deliver eulogies upon the characters of departed members. But I shall make no such attempt upon the present occasion. I could not do justice to such a character as his. To say that he was a man of sound judgment and extensive information—a gentleman, in the strictest signification of the term—a man of sterling honor and integrity—a devoted husband and most tender parent—pure and irreproachable in all the relations of life—all this is true, perfectly true, and yet it conveys but a poor idea of the beautiful cluster

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of noble and estimable qualities that were concentrated in him. He was more than all this. He was, emphatically, a patriot, who discharged all his duties to his country with ardor and fidelity; and he was a sincere and consistent Christian, who adorned the doctrine of his Lord and Saviour. He died, like a patriot, in the service of his country; and his life as a Christian assures me that he is now reposing in the bosom of his God.

As an evidence of the high estimation in which he was held by the people of his native State, it will suffice to observe that he was repeatedly elected to the Legislature of South Carolina, once unanimously chosen Governor of that State, and twice elevated to a seat in Congress. In times of the bitterest party contention in South Carolina, he retained the unqualified respect of his political opponents, nor do I believe he had a personal enemy. But all his talents, all his virtues, all his noble qualities of head and heart, could not save him from the grasp of the destroyer. He is gone—gone from me, whom he honored with his friendship—gone from this House, which he adorned by his virtues. His place here will know him no more. He cannot listen to the poor tribute I throw upon his tomb. He cannot witness the deep and respectful sympathy manifested by this honorable body. No, sir, he is gone; and all that we can do is, to lament his loss, and imitate his virtues, and pay to his memory the unavailable honors of the dead.

I now beg leave to offer the following resolutions for adoption by the House:

1. *Resolved, unanimously*, That this House has received with deep regret the melancholy intelligence of the death of the Hon. RICHARD J. MANNING, a Representative from the State of South Carolina.

2. *Resolved, unanimously*, That this House tender the expression of their sympathy to the relatives of the deceased, upon this mournful event; and, in testimony of regret for his loss and respect for his memory, the members will wear crape on the left arm for thirty days.

The resolutions having been unanimously adopted,

Mr. PINCKNEY moved that a message be sent to the Senate, informing that body of the death of the Hon. RICHARD J. MANNING.

The SPEAKER said that such a message would be sent to the Senate as a matter of course.

On motion of Mr. PINCKNEY,
The House then adjourned.

FRIDAY, May 6.

Relief of the District of Columbia.

The House proceeded, in further execution of the special order of the 1st of April, to the consideration of the "bill for the relief of the corporate cities of the District of Columbia."

The amendments agreed to in the Committee of the Whole were concurred in.

The question was taken on ordering the amendments of the House to the Senate's bill to be engrossed, and it was decided in the affirmative—yeas 109, nays 71.

The bill was read a third time and passed.

TUESDAY, May 10.

Message from the President—United States and France—Payment of the delayed Instalments.

The following Message was received from the President of the United States:

WASHINGTON, May 10, 1836.

To the Senate and House of Representatives:

Information has been received at the Treasury Department, that the four instalments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized. No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

On motion of Mr. HOWARD, the Message was referred to the Committee on Foreign Relations, and ordered to be printed.

MONDAY, May 16.

Relief of the District of Columbia.

Mr. W. B. SHEPARD hoped the House would take up and consider the amendment of the Senate to the bill for the relief of the several corporate cities of the District of Columbia.

Objection being made, Mr. MANN, of New York, moved to suspend the rule for the purpose of taking up said bill; which was agreed to.

Mr. W. B. SHEPARD moved that the House concur in the amendment of the Senate.

[The Senate's amendment provided that the stock of the corporations should be placed in the hands of the Secretary of the Treasury, as a pledge of the assumption by the Government of the Holland loan; and that officer is authorized, at any time deemed most favorable within ten years, to sell the same, and reimburse the United States for the amount advanced; and if the stock thus sold should yield more than sufficient to pay the debt to the Government, that the excess shall be paid over to the several corporations of the District.]

Mr. WISE said: In order to test the sense of the House, he moved to lay the bill and amendments on the table, and asked for the yeas and nays on the motion; which were ordered and were—yeas 75, nays 106.

So the House refused to lay the bill on the table, and the amendment was subsequently concurred in.

TUESDAY, May 17.

Mexican Affairs.

Mr. ADAMS asked the consent of the House to submit the following resolutions:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, copies of any overture made since the 3d of March, 1829, by his authority, to the Government of the United Mexican States, for the acquisition by the United States of any portion of the territories of Mexico; and copies of all correspondence between the two Governments relating thereto, and upon any question of boundary existing between the United States and Mexico.

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, a copy and translations of any law, decree, or ordinance of the Mexican republic, abolishing slavery within the territories thereof, which may be in the possession of the executive department of the United States.

WEDNESDAY, May 18.

Abolition Petitions—Report of the Select Committee, Mr. Pinckney the Chairman.

Mr. PINCKNEY, on leave, presented a report from the select committee on the subject of the abolition of slavery. Upon making this report, Mr. P. remarked that it had received the unanimous assent of the committee, and he trusted it would meet the unanimous approbation of the House. By their instruction of the committee, he moved that it be read and printed.

Mr. MERCER moved that the report be laid on the table, without reading, and printed.

Mr. CLAIBORNE, of Mississippi, asked for the reading of the report; which was accordingly done.

The reading occupied about an hour and a half. The report concluded with the following resolutions:

Resolved, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy.

Resolved, That Congress ought not to interfere in any way with slavery in the District of Columbia.

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatsoever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

Mr. PINCKNEY was instructed to move that 5,000 extra copies of the report be printed.

*Mr. WISE said that this report had at length come; he never expected it would have come; and it was precisely such a document as he

anticipated; and his protest, for one, went much further than that of the gentleman from Kentucky, (Mr. HARDIN.) He saw every thing in it to arouse the feelings against it even more than against the abolition memorials themselves. If Southern men adopted this report to sustain their principles, they would be much mistaken. There was not one ground in the whole report, long as it was, for Southern men to rest a foot upon. But he had been most disappointed in this report, because its author had not kept his faith with Mr. W. There had been an express pledge given to him, that the ground would be taken in the report, that Congress had not the power to abolish slavery in the District of Columbia. He repeated that this pledge had been distinctly made to him, that no report should be made, unless that ground should be taken; and he saw no such ground taken in the report. The whole amount of what was contained in the report was, that it was not expedient now to abolish slavery in the District. Mr. W. said there were petitions and resolutions laid before the committee, of which no notice had been taken; and the committee had only announced, in relation to the States, what every one knew, that these States had declared that Congress had no power to abolish slavery in the District of Columbia. He did not consider the report as a defence of Southern interest, nor as an expression of Southern feeling.

Mr. THOMPSON, of South Carolina, would not allow one moment to pass without his unmeasured denunciation of the report just read. He felt called upon to do so, that it should not go to the world with the authority of the name (not of the individual who had presented it, but) of the State from which he came. He had listened in vain for one South Carolina argument, or one honest bursting out of the feelings of a South Carolinian; not of a South Carolinian from geography only, but one who has a head to see the dangers that await us, and a heart that does not shrink from meeting them. Instead of a cool, firm, and fixed purpose to stand upon the rights, the chartered rights, of the South, what have we? An abandonment of those rights; stale homilies about union and fanaticism; puerile rhetoric, and jesuitical sophistry. When the report squints even at the constitutional argument, it shrinks back from declaring it unconstitutional, and mollifies with the phrase "violation of the public faith." Why not speak out? The chairman of that committee assured me and my friend from Virginia, (Mr. WISE,) and others who were known to stand on the third parallel on this question, that he would not report at all unless with the distinct assertion of the principle that Congress had no constitutional power to legislate upon slavery in this District. And how has this pledge been redeemed? Puling declaration of "violation of public faith." Mr. T. desired to hear less of the public faith from one so regardless of private

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faith. Mr. T. would not, if he could fairly avoid it, send the report to the printer; he would rather commit it to the flames or to the hangman.

Mr. OWENS said the document must speak for itself. It was the intention of the committee to have the document printed, so that it might be fairly understood, and might be a subject of deliberation hereafter; but no one had anticipated a debate on it at this stage. Mr. O. concluded by moving to print thirty thousand extra copies of the report.

Mr. HAWES was convinced, from the arguments of gentlemen, that this report ought to be printed. No sooner was this very long report read, in the preparation of which the committee had been engaged weeks upon weeks, than one gentleman from the South rose in his place and said he could not vote for it, because it contained such and such matters. Another from the South rose and said that he would go for printing the document, because he considered it as going to allay the excitement at the South; and this difference of opinion he considered as the strongest reason why the document should be printed. His constituents would not permit him to form an opinion for them in this matter; they would require the report itself to be submitted to them; and he thought the gentleman from Virginia had gone rather far in speaking for his constituents.

Mr. PATTON wished to state his reasons for voting to print this document. He should not only vote to print the usual number, but he would vote to print any reasonable extra number. The report was presented to him as the result of the labors of a committee which had been raised to take into consideration a most interesting and exciting subject. He had not concurred with the House in the course it thought proper to pursue on this subject, because he was not of opinion that it was the most prudent and judicious course, and he had not changed in opinion. He was perfectly satisfied that the expectations of gentlemen would be frustrated and disappointed. Notwithstanding this, he would be in favor of having the report take the usual course.

Mr. ROBERTSON contended that the report yielded to Congress the right to abolish slavery in this District, and yielded every thing which the abolitionists could have expected when they sent their petitions there. He had heard the report read, he would not say with surprise, but with deep mortification and regret; because it was not calculated to put the South upon the ground which she ought to occupy; and the resolutions did not go to the extent absolutely necessary to the peace and safety of the country. Mr. R. contended that the printing of a document was left to the discretion of the House, and he thought in the present instance they should not print. Mr. R. concluded by moving to recommit the report to the select committee, with instructions to report a resolution that Congress does not possess the consti-

tutional power to abolish slavery in the District of Columbia or the Territories.

Mr. THOMSON, of Ohio, did not rise to discuss the question. It had already been too much discussed. He moved the previous question.

Mr. PINCKNEY hoped the gentleman would withdraw the motion for a moment. He desired merely to say that the report did not, as had been stated, yield the constitutional power to Congress of abolishing slavery in the District. All assertions of the kind were grossly incorrect. The debate was here arrested by the expiration of the time for which the rule had been suspended.

THURSDAY, May 19.

Mr. Pinckney's Report on Abolition Petitions.

The House resumed, as the unfinished business of yesterday, the consideration of the report and resolutions from the select committee on the subject of the abolition of slavery in the District of Columbia.

The question being on the motion of Mr. ROBERTSON to recommit the report, with instructions to report a resolution declaring that Congress has no constitutional power to interfere with the subject of slavery in the District of Columbia—

Mr. BYNUM, who was entitled to the floor, spoke at considerable length. He observed that it had been said by certain gentlemen that they were disappointed in the report; that it was just such a report as had been anticipated by them. In reply to that, Mr. B. said that the opposition to this report was just such identical opposition as he had anticipated. He was prepared to expect that the report would not meet the approbation of certain gentlemen in that House, and he was not at all surprised at this opposition. It was surprising that gentlemen were prepared, as by intuition, to condemn a report of immense length; and that these gentlemen perfectly understood the report without having it printed for examination. If, however, the statements of gentlemen who had opposed the printing of the report were to be taken as good for any thing, it was the strongest evidence that the report should be printed for the consideration of that body and of the nation. It was due to the honorable chairman of the committee who had made that report, that it should be printed, because his motives and his reasons had been denounced on that floor, and this document should be printed as his defence. He ought to have it laid before the people, who were to judge him. It would be an act of injustice of the most crying kind to refuse to print this document; that gentleman had a right to be heard before that House and before the country.

Mr. B. was not prepared to say that he would sanction every sentiment and every principle laid down in this report; but he was prepared

to say that he would look into it, and give it his impartial consideration, and he felt himself free to act after reading it. But the gentleman from Virginia (Mr. ROBERTSON) had stated that the report surrendered every thing to the abolitionists. It was a mistake. Neither the House nor the report, so far as met his observation, surrendered every thing to the abolitionists. The very object which the abolitionists contended for had been met by the House, and refused them. Attempts had been made to cast imputations on the party with whom he acted in relation to this subject; and, if it was not out of order, he would call upon the chairman of the committee who had made this report, to say what party had generally introduced these abolition memorials, and what number of those that belonged to the party with which he acted had signed them.

Mr. PINCKNEY, in reply to this call upon him, declined giving an explanation. He could not do so, consistently with a sense of propriety, upon the call of an individual member. If the House required it, he would state all that he knew respecting the memorials, but not otherwise. He had examined them very carefully, and had made a schedule of the places and States they came from, and of the aggregate number of memorials and signatures. He had nothing to do with party, in reference to slavery, and therefore would not say any thing that might have the remotest tendency to excite any party feeling on the subject. It was not amiss, however, he thought, to state that the whole number of memorials presented to Congress this session amounted to one hundred and seventy-six; that they came from ten States, embracing an aggregate population of nearly eight millions; that the whole number of signatures was about thirty-four thousand; and that, of those, more than two-fifths were females. He thought these facts ought to be known. The people of the South ought to know every thing respecting these memorials. They could see the immense disproportion between the millions of freemen who are determined to maintain their constitutional obligations to their Southern brethren, and the band of incendiary agitators who would trample on all laws, human and divine, in the relentless prosecution of their diabolical designs. He believed that there never was a healthier tone of sentiment in the non-slaveholding States, in reference to the domestic institutions of the South, than at this moment. There was, unquestionably, abundant reason for vigilance and caution in relation to the fanatics; but there was also abundant reason to rely on the enlightened patriotism of the non-slaveholding States. There are great moral causes at work in favor of the South. We should trust their efficacy, and watch their progress. The people of the non-slaveholding States are alive to the dangers connected with this question, and they are generously fighting the battle of the South. They should be encouraged by

confidence and gratitude; not repelled by vituperation and suspicion. Mr. P. said he deeply regretted that inflammatory discussion had again arisen upon this matter. He should do nothing to continue it. He had always deprecated the agitation of slavery in the halls of Congress. He hoped the subject would soon be disposed of, and that peace might be restored to the South and to the country. While he was up, however, with the permission of the House, he would inquire of the honorable member from Virginia whether it was his desire to press his amendment to a vote.

[Mr. ROBERTSON replied, unquestionably it was.]

Mr. PINCKNEY then said, if that was his object, and a vote should be taken, he should certainly vote for the amendment. Mr. P. held, and always had held, that Congress possesses no constitutional authority to abolish slavery in the District of Columbia. He thought it susceptible of demonstration. It had been his opinion, long before it was ever talked of by many who now ride upon it as a hobby. The gentleman had said that the report gave up the constitutional question. It does no such thing. It asserts distinctly the contrary, considering Congress as the National Legislature of the Union. As regards its power as a local Legislature, no opinion is expressed. Congress remains uncommitted upon that point. No decision has ever been made upon it by either House; and why should a decision be called for now? What would be thought of any Southern man who should move the resolution declaring that Congress does not possess power to abolish slavery in the District of Columbia. Now, he had no doubt, that if the House were pressed to vote upon a resolution denying such power, it would be rejected, and most probably by a large majority. He did not know the fact, of course, as no man can know any thing that has not actually taken place. But it was his decided conviction that such would be the result. The South would be beaten, as it had been in the Senate on the question of reception. One defeat was enough. He did not desire another. That was the reason he had avoided pressing the House upon the abstract questions of the right of petition, and the actual authority of Congress over slavery in the District.

As matters now stand, every thing is operating favorably to the South. The Senate, by a large majority, has rejected the prayer of the abolition memorials. This House has adopted resolutions pledging the national faith not to interfere with slavery in the District of Columbia. The tone of public sentiment is sound and patriotic in all the non-slaveholding States. The South, so far, is victorious, and every thing goes well for her advantage and security! Why, then, press this abstract question now? Why force a battle upon a ground no way necessary to the safety of the South, and with a moral certainty of being driven from it? Is

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it for the purpose of party agitation? Is it for the purpose of exciting the South, with no shadow of necessity for such excitement? He could not believe it. What then? The gentleman says a pledge of the public faith signifies nothing. Indeed! What, then, would a resolution of disclaimer signify? If the House can rescind the one, so it can rescind the other. But the House would be much more likely to rescind a mere disclaimer of authority, which is nothing more than an expression of opinion upon an abstract point, than it would be to violate a solemn pledge of the national faith, which it could not do without shocking the moral sense of every well-regulated mind, and degrading itself in the estimation of the whole civilized world by the palpable commission of an act of perfidy. Mr. P. said he had no fear of any such atrocity. He considered the question settled. The Government had made a solemn covenant upon this subject with the slaveholding States; Congress might violate the constitution; it could not, would not, violate the public faith. It was bound hand and foot. The South had nothing now to fear, except from those who are determined to continue the agitation of slavery for the purpose of excitement. Abolitionism has attained its height. It has begun to go down, and will soon disappear entirely, if we do not fan the flame ourselves, and will only allow our friends in the non-slaveholding States to fight the fanatics in their own way, and not trammel them in their operations by mixing up extraneous and unnecessary questions with the subject of abolition.

Mr. ROBERTSON rose in reply to the gentleman from South Carolina, and in support of his motion.

The morning hour having expired, the House proceeded to the orders of the day.

On motion of Mr. MILLER, and by general consent, the usual number of the report made by Mr. PINCKNEY, on the subject of abolition, was ordered to be printed.

WEDNESDAY, May 25.

Mr. Pinckney's Report on Abolition Petitions.

The House resumed the consideration of the report of Mr. PINCKNEY, from the committee on the subject of the abolition of slavery.

The question was the motion of Mr. ROBERTSON, to recommit the report to the same committee, with instructions to report a resolution declaring that Congress has not the power to abolish slavery in the District of Columbia.

Mr. ROBERTSON continued his argument at great length in support of his motion and the propositions he had laid down, and when he concluded,

Mr. OWENS expressed an opinion that the discussion ought not to be continued, and moved the previous question.

Mr. PATTON rose to appeal to the gentleman from Georgia to withdraw his motion.

Mr. OWENS repeated that he would not withdraw it.

Mr. PATTON hoped he would not denounce every man who should not vote for his motion.

The question was then taken, and the motion for the previous question was seconded by the House—yeas 95, nays 82.

Mr. WISE then demanded the yeas and nays on the previous question, and they were ordered.

MESSRS. WISE and EVERETT simultaneously moved a call of the House.

Mr. WISE asked for the yeas and nays on the call; which were ordered, and, being taken, stood—yeas 97, nays 108.

Mr. STORER moved to lay the subject on the table; and that motion was negatived without a division.

The question "Shall the main question be now put?" was then taken, and decided in the affirmative—yeas 109, nays 89.

So it was determined that the main question be now put; and the Speaker decided that the main question was upon agreeing to the above resolutions.

Mr. HEISTER called for a division of the question, and asked for the yeas and nays; which were ordered.

The first resolution was then read, as follows:

"Resolved, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy."

Mr. ADAMS said, if the House would allow him five minutes' time, he pledged himself to prove that resolution false and utterly untrue.

He was here called to order in different parts of the House, and resumed his seat.

The question was then taken on the adoption of the first resolution, as follows:

YEAS.—MESSRS. C. Allan, H. Allen, Anthony, Ash, Bailey, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, W. B. Calhoun, Cambreleng, Carr, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, P. C. Fuller, W. K. Fuller, Galbraith, J. Garland, Gillet, Granger, Grantland, Graves, Grennell, Haley, J. Hall, H. Hall, Hamer, Hannegan, Hard, Harlan, Harper, S. S. Harrison, A. G. Harrison, Hawes, Haynes, Henderson, Heister, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, J. Jackson, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, G. Lee, J. Lee, L. Lea, Leonard, Lincoln, Logan, Love, Loyall, Lyon, A. Mann, J. Mann, Martin, W. Mason, M. Mason, S. Mason, May, McCarty, McComas, McKay, McKennan,

McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Pettigrew, Phelps, Pinckney, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, W. B. Shepard, A. H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Speight, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, J. Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, White, Elisha Whittlesey, L. Williams, S. Williams—182.

NAYS.—Messrs. Adams, Clark, Denny, Everett, W. Jackson, Janes, Phillips, Potts, Slade—9.

THURSDAY, May 26.

Mr. Pinckney's Report on Abolition Petitions.

In answer to inquiries, as to what would become of the votes of those gentlemen who had asked to be excused, if they should hereafter be required to vote, the CHAIR said that the failure of gentlemen to vote could not arrest the decision of the House.

The first resolution was then declared to have been adopted—yeas 182, nays 9.

The second resolution was read, as follows :

"Resolved, That Congress ought not to interfere in any way with slavery in the District of Columbia."

The House proceeded to vote by yeas and nays upon the adoption of this resolution.

When the name of Mr. ADAMS was called, he asked to be excused from voting.

The CHAIR said the gentleman's name would be passed for the present.

Mr. GRANGER, also, when his name was called, rose, and commenced reading from a manuscript to this effect :

"I decline voting on the second resolution reported by Mr. PINCKNEY, from the select committee"—Mr. G. was here called to order.

Mr. G. continued. *"I do not ask to be excused, because"*—Mr. G. was again loudly called to order in every part of the House.

The CHAIR said it was not in order for the gentleman to make an argument pending the vote by yeas and nays.

Mr. GRANGER then yielded the floor.

Mr. WISE declined voting, for reasons which he sent to the Chair, but which were not read.

Before the vote was announced,

Mr. COFFER asked the permission of the House to record his vote. He had risen from a sick bed, contrary to the advice of his friends and physician, for the purpose of voting on these resolutions. He had been in an adjoining room, and the officers of the House had neglected to comply with his request to be notified when the vote was taken. It was under these peculiar circumstances that he had made the request.

Mr. WHITTLESEY, of Ohio, objected.

The second resolution was then declared to be adopted—yeas 182, nays 45 ; as follows :

YEAS.—Messrs. C. Allan, Anthony, Ash, Barton Bean, Beaumont, Bell, Booke, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, W. K. Fuller, Galbraith, J. Garland, Gillet, Grantland, Graves, Haley, J. Hall, Hamer, Hardin, Harlan, A. G. Harrison, Hawes, Haynes, Holsey, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, J. Jackson, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Judson, Kennon, Kinnard, Klingensmith, Lansing, Laporte, Lawler, Gideon Lee, Leonard, Logan, Loyall, Abijah Mann, Martin, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Sickles, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, White, Lewis Williams, Sherrod Williams—132.

NAYS.—Messrs. Heman Allen, Bailey, Bond, Borden, Briggs, William B. Calhoun, Carr, George Chambers, Childs, Clark, Cushing, Denny, Everett, Philo C. Fuller, Grennell, Hiland Hall, Hard, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Hunt, Ingersoll, William Jackson, Janes, B. Jones, Kilgore, Lane, Lawrence, Joshua Lee, Lincoln, Samson Mason, McCarty, McKennan, Morris, Parker, Phillips, Potts, Reed, Russell, Slade, Sprague, Vinton, Whittlesey—45.

The preamble and third resolution were then read, as follows :

"And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz :

"Resolved, That all petitions, memorials, resolutions, propositions or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

Mr. PHILLIPS moved to lay the preamble and third resolution on the table. Negative—yeas 69, nays 118.

The question recurred upon the adoption of the preamble and third resolution.

When the name of Mr. ADAMS was called, that gentleman rose and said : I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents. Mr. A. resumed his seat amid loud cries of "order," from all parts of the hall.

The third resolution was then agreed to—yeas 117, nays 68, as follows :

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Admission of Michigan and Arkansas.

[H. OF R.]

YEAS.—Messrs. C. Allan, Ash, Ashley, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlan, French, Fry, W. K. Fuller, Galbraith, Gillet, Grantland, Graves, J. Hall, Hamer, Hardin, Harlan, A. G. Harrison, Hawes, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, J. Johnson, R. M. Johnson, H. Johnson, Cave Johnson, Kennon, Kilgore, Kinnard, Klingensmith, Lansing, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Martin, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Muhlenburg, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Spangler, Speight, Standefer, Sutherland, Taliaferro, Taylor, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, White, Lewis Williams, Sherrod Williams—117.

NAYS.—Messrs. H. Allen, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, W. B. Calhoun, Carr, G. Chambers, Childs, Clark, Corwin, Crane, Cushing, Denny, Everett, P. C. Fuller, J. Garland, Glascock, Granger, Grennell, Haley, H. Hall, Hard, Harper, Hazeltine, Henderson, Heister, Hoar, Holsey, Howell, Hunt, Ingersoll, William Jackson, James, John W. Jones, Benjamin Jones, Judson, Lane, Laporte, Lawrence, Lincoln, Love, Samson Mason, McCarty, McKennan, Morris, Parker, Patton, Dutee J. Pearce, Phillips, Pickens, Potts, Reed, Robertson, Russell, Schenck, Shinn, Slade, Sprague, Steele, Storer, John Thomson, Vinton, Wardwell, Webster, E. Whittlesey—68.

WEDNESDAY, June 8.

Michigan and Arkansas—Admission into the Union.

The House proceeded to the consideration of the following bills:

“An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed.”

“An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes.”

The first bill having been read,

Mr. WISE moved to postpone its further consideration till Monday, in order to proceed with the Arkansas bill.

Mr. THOMAS would call the attention of the House to the position of the two bills on the Speaker's table, and endeavor to show that this postponement is entirely unnecessary. These bills are from the Senate. By the rules of this House, two, I may say three, questions will arise, to be decided before they can become a law, so far as this House is concerned. We must first order each of these bills to be read a third time; the next question then will be,

When shall the bill be read a third time? and the last question to be decided will be, Shall the bill pass? Why, then, should Southern men now make an effort to give precedence to the bill for the admission of Arkansas into the Union? If they manifest distrust, must we not expect that fears will be entertained by Northern members, that unreasonable opposition will be made to the admission of Michigan? Let us proceed harmoniously, until we find that our harmony must be interrupted. We shall lose nothing by so doing. If a majority of the House be in favor of reading a third time the Michigan bill, they will order it to be done. After that vote has been taken, we can refuse to read the bill a third time, go into Committee of the Whole on the state of the Union, then consider the Arkansas bill, report it to the House, order it to be read a third time; and in this order proceed to read them each a third time, if a majority of the House be in favor of that proceeding.

Let it not be said that Southern men may be taken by surprise, if the proceeding here respectfully recommended be adopted. If the friends of Arkansas are sufficiently numerous to carry now the motion to postpone, they can arrest at any time the action of the House on the Michigan bill, until clear indubitable indications have been given that the Missouri compromise is not to be disregarded.

Mr. WISE advocated the motion to postpone the Michigan bill, and the debate was continued by MESSRS. CUSHING, PATTON, SUTHERLAND, BOULDIN, LEWIS, SPEIGHT, WILLIAMS of Kentucky, SEVIER, MANN of New York, HARDIN, and VANDERPOEL.

Mr. ADAMS stated that when the Arkansas bill came into the House, if no one else moved the subject of the restriction of slavery, he should.

Mr. WISE modified his motion by moving to refer both bills to the Committee of the Whole on the state of the Union, with instructions to that committee to incorporate the two bills into one bill.

The debate was continued by Messrs. VINTON, MERCEER, THOMAS, and BRIGGS.

Mr. PATTON inquired the opinion of the Chair as to the necessity of committing these bills.

The CHAIR replied that the bill for the admission of Arkansas, as it contained an appropriation for the judges, would, under the rules, require being committed; and that the bill for the admission of Michigan, although it contained no express appropriation, created a charge upon the Treasury, and came, though not clearly, within the spirit of the rule. The Chair read a former decision on the point, made in 1832.

After remarks from Messrs. SPEIGHT, VANDERPOEL, REED, MANN of New York, BRIGGS, and BOON,

The CHAIR decided that the Arkansas bill required to be committed; and, if that bill required to be committed, so did the other.

Mr. THOMAS said a few words in explanation, and renewed the motion (as requested) that the committee rise; which prevailed—yeas 74, nays 54.

The committee accordingly rose and reported.

THURSDAY, June 9.

Michigan and Arkansas—Admission into the Union.

The House, in further execution of the special order, went into Committee of the Whole on the state of the Union, (Mr. SPEIGHT in the Chair,) and resumed the consideration of the bill to establish the northern boundary of Ohio, and for the admission of Michigan into the Union.

Mr. ADAMS said that he wanted to offer an amendment, which he had not had time to prepare, and he wished a further opportunity. His desire was to admit the State of Michigan by a bill for that purpose alone, separated from all questions of boundary. He believed the people of Michigan had a right to admission, but he wanted the question of disputed boundary to be left for future adjustment.

Mr. THOMAS suggested that it would be better to let the bill be reported, and offer it in the House.

Mr. ADAMS said he would if the screws would not be applied.

Mr. THOMAS said he could make no pledges for the House; but it could make no difference to the question.

Mr. ADAMS said it would make a difference; for in committee he could argue the propriety of the amendment, without being cut off by the previous question. He moved that the committee rise.

Mr. RUSSELL moved to amend the bill, so as to provide that none but free white male citizens should be voters.

The question being taken on Mr. RUSSELL's proposed amendment; it was rejected.

The bill was then laid aside, and the bill for the admission of Arkansas was taken up.

Mr. ADAMS moved to amend the bill by introducing a clause "that nothing in this act shall be construed as an assent by Congress to the article in the constitution of the said State in relation to slavery and the emancipation of slaves."

This motion was debated by Messrs. ADAMS, CUSHING, HARD, BRIGGS, and WISE.

The question was taken at about 4 o'clock in the morning, and the amendment negatived by a vote of 98 to 32.

The Arkansas bill was laid aside, and the committee took up the "supplementary bill for the admission of Arkansas into the Union, and for other purposes."

Mr. MASON, of Virginia, renewed the motion that the committee rise, and report the bills to the House. [This was about 7 o'clock.]

Mr. WISE then rose and addressed the House

at length in opposition to the course of the majority, in pressing this question upon a House, sleepy, tired, and drunk. He was opposed to the motion that the committee report the bills, and said he would speak till ten o'clock, when the House would be under the necessity of dropping the subject, as it was not a special order for Friday.

Mr. WISE continued the thread of his remarks upon the bill, and having concluded,

Mr. McKENNA obtained the floor. The members of the House were, he said, evidently all worn out by this protracted sitting; many had not slept, and others had not broken their fast. All had need of repose. We have, said he, fought the bill manfully, and done our best to stave off the decision upon it. My friend from Virginia (especially) has fought it hard and long, and has, in fact, verified the old adage, "a lean dog for a long chase." I hope, sir, the committee will rise, and report the bills, and that we shall adjourn over till to-morrow.

Mr. McK. made a motion to this effect.

The motion was carried. The committee rose, and reported the two bills, and the House then adjourned over to meet on Saturday, at the usual hour, (10 o'clock.)

MONDAY, June 13.

Michigan and Arkansas—Admission into the Union.

The House proceeded to the consideration of the following bills:

"An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed."

"An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes."

The House proceeded first to the consideration of the Michigan bill.

Mr. CUSHMAN said that, believing the previous question to be one of the most salutary rules of the House, and believing this to be a fit occasion for its application, he now moved it.

The previous question was seconded, and the main question was put on ordering the bill to a third reading, and decided in the affirmative—yeas 153, nays 45, as follows:

YEAS.—Messrs. Chilton Allan, Anthony, Ash, Ashley, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoun, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Cushman, Deberry, Denny, Dickerson, Dickson, Doubleday, Drongooole, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Granger, Grantland, Grayson, Haley, Jos. Hall, Hamer, Hannegan, S. S. Harrison,

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Admission of Arkansas—Supplementary Report.

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A. G. Harrison, Hawes, Hawkins, Haynes, Heister, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Wm. Jackson, Jabez Jackson, James, Jarvis, Jos. Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, J. W. Jones, B. Jones, Judson, Kilgore, Lane, Lansing, Laporte, Lawler, Lay, G. Lee, J. Lee, L. Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Martin, William Mason, Moses Mason, Maury, May, McKay, McKennon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Spangler, Speight, Standefer, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, E. Whittlesey, T. T. Whittlesey—153.

NAYS.—Messrs. Adams, Heman Allen, Bailey, Bell, Briggs, William B. Calhoun, G. Chambers, John Chambers, Childs, Clark, Everett, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Hoar, Ingersoll, Jenifer, Lawrence, Lincoln, Love, S. Mason, McCarty, McKennan, Mercer, Milligan, Morris, Parker, James A. Pearce, Phillips, Potts, Reed, Robertson, Russell, Slade, Steele, Taliaferro, Underwood, L. Williams, Sherrod Williams, Wise—45.

So the bill was ordered to a third reading this day.

Arkansas.

The House then took up the bill providing for the admission of Arkansas into the Union.

Mr. BRIGGS asked for the yeas and nays; which were ordered.

Mr. ADAMS then renewed the amendment submitted by him in Committee of the Whole, in relation to the restriction of slavery in the State of Arkansas.

Mr. WILLIAMS, of Kentucky, moved the previous question.

Mr. BRIGGS called for the yeas and nays on ordering the main question to be put; which were ordered, and were—yeas 126, nays 67.

So the House determined that the main question, on ordering the bill to a third reading, should then be put.

Mr. HEISTER asked for the yeas and nays on that question; which were ordered, and were—yeas 147, nays 52, as follows:

YEAS.—Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bell, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoun, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson,

John W. Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Spangler, Speight, Standefer, Storer, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, Wise—147.

NAYS.—Messrs. Adams, Heman Allen, Anthony, Bailey, Bond, Borden, Briggs, W. B. Calhoun, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Grennell, H. Hall, Hard, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Ingersoll, William Jackson, James, Laporte, Lawrence, Lay, Lincoln, Love, Samson Mason, McCarty, McKennan, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Shinn, Slade, Sloane, Underwood, Vinton, Elisha Whittlesey, Lewis Williams—52.

So the bill was ordered to a third reading this day.

The Michigan bill was then read a third time.

Mr. VANDERPOEL said that a test vote had already been taken upon this bill, and the expression in its favor was so strong that no gentleman could doubt its passage. Under a firm belief that the further consumption of time would not change a vote, or alter the result, he moved the previous question.

So the bill was passed.

The Arkansas bill was then taken up and read a third time.

Mr. HUNTSMAN moved the previous question; which was seconded—ayes 95, noes not counted; and the main question being ordered,

Mr. ALLEN, of Vermont, asked for the yeas and nays on the passage of the bill; which were ordered, and were—yeas 143, nays 50.

Mr. CONNOR said, as the House had been delivered of twins, he thought after the operation they might adjourn; and he made that motion; and,

The House adjourned.

[The following supplementary report of the debates and proceedings on the admission of Arkansas, prepared by Mr. Adams, is here given, in order to give completeness to the history of that proceeding.]

June 13th & 14th, 1836.

Admission of Arkansas—Supplementary Report.

On Thursday, the 9th of June, the House went into Committee of the Whole on the state of the Union upon two bills; one to fix the northern boundary of the State of Ohio, and for the conditional admission of the State of Michigan into the Union and the other for the

admission of the State of Arkansas into the Union.

The bill for fixing the northern boundary of the State of Ohio, and the conditional admission of Michigan into the Union, was first taken up for consideration, and gave rise to debates which continued till near one o'clock of the morning of Friday, the 10th of June: repeated motions to adjourn had been made and rejected. The committee had twice found itself without a quorum, and had been thereby compelled to rise, and report the fact to the House. In the first instance, there had been found within private calling distance a sufficient number of members, who, though absent from their duty of attendance upon the House, were upon the alert to appear and answer to their names to make a quorum to vote against adjourning, and to retire again to their amusement or repose. Upon the first restoration of the quorum by this operation, the delegate from Arkansas said that if the committee would only take up and read the bill, he would not urge any discussion upon it then, and would consent to the committee's rising, and resuming the subject at the next sitting of the House. The bill was accordingly read; a motion was then made for the committee to rise, and rejected; an amendment to the bill was moved, on taking the question upon which there was no quorum. The usual expedient of private call to straggling members was found ineffectual. A call of the House was ordered, at one o'clock in the morning. This operation, to be carried through all its stages, must necessarily consume about three hours of time, during which the House can do no other business. Upon this call, after the names of all the members had been twice called over, and all the absentees for whom any valid or plausible excuse was offered had been excused, there remained eighty-one names of members, who, by the rules of the House, were to be taken into custody as they should appear, or were to be sent for, and taken into custody wherever they might be found, by special messengers appointed for that purpose. At this hour of the night the city of Washington was ransacked by these special messengers, and the members of the House were summoned from their beds to be brought in custody of these special messengers, before the House, to answer for their absence. After hearing the excuses of two of these members, and the acknowledged no good reason of a third, they were all excused in a mass, without payment of fees; which fees, to the amount of two or three hundred dollars, have of course become a charge upon the people, and to be paid with their money.

By this operation, between four and five o'clock of the morning, a small quorum of the House was obtained, and, without any vote of the House, the Speaker left the chair, which was resumed by the chairman of the Committee of the Whole.

The bill for the admission of Arkansas into

the Union was again taken up; the amendment moved before the call of the House was renewed, discussed, and rejected; other amendments were proposed, and shared the same fate.

About six o'clock in the morning a motion was made that the committee should rise, and report the bills, when Mr. ADAMS moved an amendment to the eighth section of the bill for the admission of Arkansas; to understand the import and bearing of which it may be necessary to quote the part of the section into which he proposed its insertion. In the following citation, the words proposed by him for insertion are those enclosed in brackets.

"SEC. 8. *And it is further enacted*, That the State of Arkansas is admitted into the Union upon the express condition that the people of the said State shall never interfere with the primary disposal of the public lands within the said State, nor shall they levy a tax on any of the lands of the United States within the said State; and nothing in this act shall be construed as an assent by Congress [to the article in the constitution of the said State in relation to slavery and the emancipation of slaves, or] to all and any of the propositions contained in the ordinance of the said convention of the people of Arkansas, nor to deprive the said State of Arkansas of the same grants, subject to the same restrictions, which were made to the State of Missouri, by virtue of an act entitled an act to authorize the people of the Missouri Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, approved the 6th day of March, 1820."

When the amendment had been read by the Clerk, and the question stated, Mr. ADAMS addressed the chairman of the committee to the following effect:

Mr. Chairman: On Monday last I had the honor of presenting to this House twenty-two memorials and remonstrances, most of them numerous signed, by citizens of the States of Ohio, of Pennsylvania, and of Massachusetts. Twelve of these memorials were from the congressional district which I represent, from my own constituents, male and female; for, in New England and elsewhere, the vote of the men is the vote of the women; and I consider the wives and daughters of the men who vote at my election, whether for me or for any other person, as much my constituents, for all purposes by which I can, as their representative, serve them in this House, as if every individual had deposited in the ballot-box a vote in my favor.

I was, then, bound in duty to present these memorials and remonstrances to the House; and if that duty was of perfect and irremissible obligation, with regard to those which came from my own immediate constituents, I felt it as not less imperative with regard to those which, proceeding from remoter distances, and from persons entirely unknown to me, carried with them a manifestation of confidence reposed in me by the memorialists, which it was not

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less my sacred duty to justify by a grateful return.

I felt it, therefore, my further duty to invite the House to listen to these memorials and remonstrances, to examine their complaints, and, so far as might be consistent with the duties of the House to their other constituents and to the nation, to relieve the complainants, and to remove the grievances against which they remonstrated.

In the memorials from my own district I recognized among the signatures the names of persons well known to me as citizens, for intelligence, integrity, and benevolence, surpassed by none others in this Union. I had made inquiries concerning the characters of others of the memorialists, not known to myself, and had received testimonials from sources entitled to unqualified credence, and from persons in no wise favoring the purposes of the memorialists; testimonials to their integrity and respectability which could leave in that respect not the shadow of a doubt upon my mind.

The memorials and remonstrances, differing somewhat from one another in their language and phraseology, all complained of one article in the newly-formed constitution of Arkansas; and all the remonstrances were against the admission of Arkansas into the Union as a slave State.

The obnoxious article of the constitution of Arkansas is the first section of the second division of the ninth article, and is in the words following:

"Emancipation of slaves.

"SEC. 1. The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of the owners. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have power to prevent slaves from being brought to this State as merchandise, and also to oblige the owners of slaves to treat them with humanity."

Mr. Chairman, I cannot, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support their constitution, I cannot object to the admission of Arkansas into the Union as a slave State; I cannot propose or agree to make it a condition of her admission, that a convention of her people shall expunge this article from her constitution. She is entitled to admission as a slave State, as Louisiana, and Mississippi, and Alabama, and Missouri, have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded territories all the rights, privileges, and immunities, of the original citizens of the United States, and stipulates for their admission, conformably to that prin-

ciple, into the Union. Louisiana was purchased as a country wherein slavery was the established law of the land. As Congress have not power in time of peace to abolish slavery in the original States of the Union, they are equally destitute of the power in those parts of the territories ceded by France to the United States by the name of Louisiana, where slavery existed at the time of the acquisition. Slavery is in this Union the subject of internal legislation in the States, and in peace is cognizable by Congress only, as it is tacitly tolerated and protected where it exists by the Constitution of the United States, and as it mingles in their intercourse with other nations. Arkansas, therefore, comes, and has the right to come, into the Union with her slaves and her slave laws. It is written in the bond, and, however I may lament that it ever was so written, I must faithfully perform its obligations.

I could not, therefore, propose or support the specific measure desired by the memorialists, which was to impose a restriction upon the people of the State of Arkansas, by requiring of them, as a condition of their admission into the Union, that they should expunge from their constitution the article concerning slavery. I do not think it within the legitimate powers of Congress, under the present existing circumstances, to impose upon the State of Arkansas any restriction whatever, with relation to slavery, in the formation of her constitution. Upon the same principle, I had been opposed to the proposal of restriction upon the State of Missouri, at the time of the first Missouri question; for there were two Missouri questions, differing much from each other, and which were debated at two successive sessions of Congress. The second was that finally adjusted by the compromise. The first was that in which the restriction was proposed, and my opinion had at the time been freely expressed against it.

But then I disapproved, as I now disapprove, of slavery as a civil institution. As a citizen, and as a man, therefore, I disapprove of that article in the constitution of Arkansas, the object of which is to perpetuate slavery. In voting for the acceptance of that constitution, and for the admission of the State into the Union, I do not hold myself bound to approve of all its internal regulations; but doctrines have been recently broached, and are now countenanced by the transfer of the lawful possessions of Michigan to the State of Ohio, which make it, in my judgment, proper, and perhaps necessary, that Congress, the representatives of that federation, compounded partly of slaveholding and partly of entirely free States, should disclaim all approbation of, or assent to, that article in the constitution of Arkansas. I propose no restriction upon her. I am content to receive her as one of the slaveholding States of this Union; but I am unwilling that Congress, in accepting her constitution, should even lie under the imputation of assent-

ing to an article in the constitution of a State which withholds from its Legislature the power of giving freedom to the slave.

In this very section of the bill now before the committee, Congress refuse their assent to propositions, made by the convention of the people of Arkansas which formed their constitution, and were transmitted with it. My proposed amendment, very short and simple, is in perfect accordance and keeping with the remainder of the section, as it stands in the bill now before the committee; and although I cannot flatter myself that it will be satisfactory to those of my constituents and fellow-citizens who have thought proper to commit their memorials and remonstrances to me, it will at least secure to me the consciousness of having discharged my duty to them, to my country, and to that reverence for the rights of mankind, which rejects, without reserve, the principle that, by the law of nature or of God, man can be the property of man.

Upon this topic I will not enlarge. Were I disposed so to do, twenty hours of continuous session have too much exhausted my own physical strength, and the faculties, as well as the indulgence of those who might incline to hear me, for me to trespass longer upon their patience. When the bill shall be reported to the House, I may, perhaps, again ask to be heard, upon renewing there, as I intend, the motion for this amendment.

[Mr. ADAMS resumed his seat, and Mr. WISE addressed the committee. The debate was continued by Mr. BRIGGS, Mr. CUSHING, Mr. HOAR, and Mr. HARD of New York, and by Mr. WISE, in reply, particularly, to Mr. CUSHING. There was great disorder and confusion in the hall, occasioned chiefly by calls for order and vociferations of the word "question." Personal reflections passed between some of the members, and an affair of honor afterwards followed between two Southern gentlemen, which was, however, finally adjusted without bloodshed. The chairman of the committee, with great and indefatigable exertions, succeeded so far in restoring order that Mr. HOAR was heard with respectful attention. After he took his seat, as the question was about to be put, Mr. ADAMS addressed the committee to the following import:]

Mr. Chairman: It was not my intention to have troubled the committee with another word upon the subject of my proposed amendment. But the gentleman from Virginia (Mr. Wise) has been pleased to propound to me a number of direct questions, two or three of which I heard, and to them I am willing to give direct and explicit answers. For, however widely I differ in opinion from him on this and most other occasions of common deliberation in this hall, I will do him the justice which he has done me, and say that there is nothing of indirection or ambiguous giving out in him. His course is straight forward, and you may always know where to find him. And, sir, in

the intercourse of public or private life, I hold in higher esteem an adversary of such a character, than the political vane upon the steeple, whose friendship and whose opinions swing round the compass with every variation of the winds, and are steadfast only to the breath of the breeze.

One of the gentleman's questions which I heard was, from whence this amendment came? I answer him directly that it came from me, and from me alone, without consultation with any other human being. There was no abolition gunpowder plot in it; but, in claiming it as all my own, I shall not record a specification of it in the Patent Office as for an ingenious invention or a profound discovery. It laid in my way and I took it up. A respectable portion of my constituents, and many others of my fellow-citizens, had charged me with the duty of presenting their memorials against the slavery article in the constitution of Arkansas. Multitudes of others had entrusted to me their petitions for the abolition of slavery and the slave trade in the District of Columbia. Great numbers of petitions, memorials, and remonstrances, of the same purport, had been presented by my colleagues, and by other members of the House. I had been earnestly solicited to support, as far as my very slender influence in this House might extend, and as far as my own convictions of truth and justice would admit, the prayer of those petitions, and the purpose of those remonstrances and memorials. I could not support the immediate abolition of slavery in the District of Columbia. I could not resist the admission of Arkansas, notwithstanding the slavery article in her constitution, into the Union. But there was a point of concession to the slaveholding interests of the South, from the representatives of none but free-men in this House, where it appeared to me not only just, but indispensably necessary, to stop.

Slavery, taking advantage of political influences, operated just at this time at the North upon the prospects of the presidential election; taking advantage (I must say no very generous advantage) of that kind, friendly, and compassionate feeling of Northern freeman for their brethren and fellow-citizens, the slaveholders of the South, which, during the last twelve months, had universally pervaded the Northern region of the country, and urged our people sometimes even to riotous excess against the peaceable, warm-hearted, but honest-hearted enthusiasts of human liberty: slavery, I say, in the confidence of her temporary reinforcement from sources foreign to her own character, had changed her tone, and was aiming blows of deadly intent at the freedom of her Northern associate itself. She had struck at the right of petition and the freedom of speech in this House; she had struck at the freedom of the press, and at the freedom of the post office, both in this and the other branch of the Legislature, and by the express recommendation of

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the Chief Magistrate of the Union; she had struck at the liberty and the life of a free citizen of a Northern State, by demanding that he should be delivered up, innocent of all offence, as he was, against the laws of the State in which he dwelt, to the tender mercies of her felony, without benefit of clergy. I had seen the twenty-two memorials and remonstrances which I had presented, and many others of the same import, the moment they had reached the hands of the Clerk, ordered by the Speaker to be laid on the table, without reading, without knowing what they contained, without the privilege of being considered, by a general stigmatizing interdict, more insulting than would have been an absolute refusal to receive them. The article in the constitution of Arkansas, cutting off the last hope of emancipation to the end of time, by withholding from the Legislature even the power of ordaining it, I strongly disapproved. The House had treated all these memorials and remonstrances in behalf of freedom as if they were afraid to hear them read, afraid to look them in the face, afraid even to squint at them. In reading this eighth section of the bill before the committee, it appeared to me that the amendment which I offered was so congenial to its spirit, that, if inserted at the place proposed, it would appear altogether as if it had been a part of the section as originally drawn up. The amendment falls infinitely short of the Missouri restriction, and is entirely congenial to the spirit of the constitution itself. Unable as I was to propose the restriction desired by the memorialists and remonstrants, yet, believing that the occasion required of me an avowal of those opinions and principles, the only guardians of the freedom of my constituents, I was desirous of manifesting them in the form the least offensive possible to the slaveholding portion of the community. I wished to plant the standard of freedom at the very lowest point of its elevation, and, by conceding to slavery every thing required by the common compact, yet adhering to those self-evident truths proclaimed in the declaration of independence, to utter the minimum of the sentiments which I believed my constituents would never resign but with the last drop of their blood. At every former period of our history, I should have expected that the representatives of the slaveholding States in this House would readily have accepted this, as far more favorable to them than the Missouri compromise. Now, my object is to fulfil the duty devolved upon me by my constituents, and to leave the decision where it properly belongs. I am not aware of any other question of the gentleman from Virginia, which requires an answer from me, particularly after the eloquent address of my colleague behind me (Mr. CUSHING) has already answered them so much more effectually than I could have done myself.

Mr. WISE rose, and inquired whether in the opinion of the gentleman from Massachusetts,

(Mr. ADAMS,) if his amendment should prevail, the State of Arkansas would, by this bill, be admitted in the Union.

Mr. ADAMS. Certainly, sir. There is not in my amendment the shadow of a restriction upon the State. It leaves the State, like all the rest, to regulate the subject of slavery within herself to her own laws; and how far that comes short of the concessions required from the slaveholding interest by the Missouri compromise, it is easy to judge by reference to the transactions of that time; for in the act of 6th of March, 1820, to authorize the people of the Missouri Territory to form a constitution and State Government, and for the admission of that State into the Union, slavery was and is forever prohibited in all the territory ceded by France to the United States under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes of north latitude, not included within the limits of the State of Missouri. And this was the first Missouri compromise; not the abolition, but the prohibition by Congress forever, of slavery in that portion of the Louisiana Territory where it had not then penetrated. And, secondly, when the Constitution of the State of Missouri was formed, there was an article on the legislative power, the fourth clause of the twenty-sixth section of which, defining the powers and duties of the General Assembly of the State, was in these words: "It shall be their duty, as soon as may be, to pass such laws as may be necessary, first, to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever."

Nearly the whole of the second session of the 16th Congress was consumed in debates whether the State of Missouri should be admitted into the Union, without requiring of her that this clause should be expunged from her constitution, and the session terminated with her conditional admission, by a resolution of 2d March, 1821, in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental conditions that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental conditions, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the

part of Congress, the admission of the said State into this Union shall be considered as complete."

This was the second Missouri compromise; and, conformably to this resolution, the Legislature of the State of Missouri did, on the 26th of June, 1821, by a solemn public act, declare the assent of the State to this fundamental condition. A copy of this solemn act was transmitted to the President of the United States, who, after consultation with all the members of his administration, and after taking from each one of them his opinion in writing, issued, on the 10th of August, 1821, his proclamation, declaring that the admission of the State of Missouri into the Union was complete.

Now, sir, there is in the amendment proposed by me nothing comparable, as concession from the slaveholding to the free States, to this Missouri restriction. I propose no restriction at all. I simply ask that my constituents, as parties to this compact of admission with Arkansas, may not be constructively held to have given their assent to this perpetuation of slavery, placing it beyond the reach of the legislative authority.

And this reservation is entirely conformable to the spirit of the Constitution of the United States. That instrument, containing in four different places arrangements having reference to slavery, does not, in any one of them, recognize the existence of slavery or of slaves; neither of the words is to be found throughout the constitution. Its founders were unwilling that the frame of Government, ordained expressly by the people, to secure to themselves and to their posterity the blessings of liberty, should be polluted even by the name of slavery. Thus, when they provided that the slaveholders should enjoy that most extraordinary privilege of representation of the persons of their slaves in this hall, they adopted a circumlocution, and, after enumerating free persons, those bound to service for a term of years, and Indians not taxed, including every description of human beings, slaves alone excepted, then endowed their masters with the right of representation for three-fifths of "all other persons."

Thus, in the ninth section of the first article, which denied to Congress the power, prior to the year 1808, of prohibiting the slave trade, that detestable traffic was described, not by its proper name, but under the gentle denomination of "the migration or importation of such persons as any of the States now existing shall think proper to admit."

Again: the second section of the fourth article, which stipulates for the arrest and delivery up of fugitive slaves, does not name them as such. It says: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

And, in the fourth section of the fourth

article, it is provided that the United States shall, on the application of the Legislature or of the Executive of any one of the States, protect the same against domestic violence; an expression, if not exclusively confined to servile insurrection, undoubtedly selected with special and emphatic reference to it.

In no one of these four passages are slaves recognized as property. In the first three, where the reference to them is direct, they are expressly designated as persons—persons to be represented in Congress, not by themselves, but by the votes of their masters; persons whom the then existing States might think proper to admit; persons held to service or labor, to be delivered up on claim of the party to whom such service or labor may be due. Not only is there no recognition of slaves as property, not only are they constantly referred to as persons, but in every instance they are so described that the engagement contracted with relation to them might be applicable to classes of persons other than slaves; and this studious uniformity of language throughout the whole constitution could only arise from the determination to exclude from it any acknowledgment of slavery, as forming a component part of the supreme law of the land.

It was in this spirit of mutual concession and conciliation that the Constitution of the United States was formed and adopted, and it is in this spirit that I offer the amendment now before the committee. I will trespass no longer upon their indulgence, but will submit a few observations more upon the subject, when the bill shall be reported to the House.

THURSDAY, JUNE 30.

Death of Ex-President Madison.

On the Speaker's resuming the chair, at 4 o'clock, he announced the following Message from the President of the United States:

WASHINGTON, June 30, 1836.

To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of James Madison, ex-President of the United States. He departed this life at half-past six o'clock on the morning of the 28th instant, full of years and of honor.

I hasten this communication, in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country, and to the good of mankind.

ANDREW JACKSON.

The Message having been read,

Mr. PATTON, of Virginia, said that the particular relation in which he stood, as his immediate representative and personal friend, towards the great public benefactor whose decease, "full of years and full of honors," had just been announced by the Message of the

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President of the United States, had induced the Virginia delegation to devolve upon him the mournful duty of proposing for the adoption of the House the resolution he was about to offer, for the purpose of determining upon the course to be pursued for giving expression to the national sensibility to the great bereavement we had suffered.

I do not, however, Mr. Speaker, feel it to be a suitable occasion in which to employ or indulge in any studied phrase of panegyric upon the public or private virtues of the venerable man whose loss we deplore.

It is true, sir, that, early imbued with the sincerest veneration for the character of Mr. Madison, with the profoundest admiration of his talents, and the warmest gratitude for his eminent and varied public services, there is no language that I could employ which would exaggerate the deep emotion with which I have been impressed by the melancholy intelligence of his death. And I am sure that it would be equally impossible for me to speak of him in any terms that would depict an individual pre-eminent in all the virtues of social and private life, or one that combined the merits of a patriot, statesman, and sage, that would not find a ready and full response in the minds and hearts of all who hear me. But it is not a feeble effort of this kind, such as I could make, nor even by the highest effort of human eloquence, the lofty inspiration of poetry, "the storied urn or animated bust," that can rear an appropriate monument to the memory of Mr. Madison, or erect a suitable monument to his fame.

His appropriate and enduring eulogium is to be found inscribed in those pages of his country's history which are identified with her honor and glory. It is engraved upon every pillar of that splendid fabric of constitutional liberty under which we live. It is identified with the existence of that glorious union of confederated States which he contributed so essentially to form, and the maintenance and preservation of which, with all its numerous blessings, were the constant objects of his care during his long, laborious, and useful public life, and of his most earnest and anxious solicitude in the shades of retirement.

And, Mr. Speaker, another and not less decisive and more affecting evidence of his merit and title to public gratitude will be found in the deep grief with which his loss will be deplored by every man in the nation as a great national calamity. I offer the resolution which I now send to the Chair:

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the President of the United States to this House.

The resolution having been read,

Mr. ADAMS rose, and addressed the Speaker. By the general sense of the House, said he, it is with perfect propriety that the delegation from the Commonwealth of Virginia have taken the lead in the melancholy duty of proposing the measures suitable to be adopted as testimonials of the veneration due from the Legislature of the Union to the memory of the departed patriot and sage, the native of their soil, and the citizen of their community.

It is not without some hesitation, and some diffidence, that I have risen to offer in my own behalf, and in that of my colleagues upon this floor, and of our common constituents, to join our voice, at once of mourning and of exultation, at the event announced to both Houses of Congress by the Message from the President of the United States—of mourning at the bereavement which has befallen our common country by the decease of one of her most illustrious sons; of exultation at the spectacle afforded to the observation of the civilized world, and for the emulation of after times, by the close of a life of usefulness and of glory, after forty years of service in trusts of the highest dignity and splendor that a confiding country could bestow, succeeded by twenty years of retirement and private life, not inferior, in the estimation of the virtuous and the wise, to the honors of the highest station that ambition can ever attain.

Of the public life of James Madison what could I say that is not deeply impressed upon the memory and upon the heart of every one within the sound of my voice? Of his private life, what but must meet an echoing shout of applause from every voice within this hall? Is it not in a pre-eminent degree by emanations from his mind that we are assembled here as the Representatives of the people and States of this Union? Is it not transcendently by his exertions that we all address each other here by the endearing appellation of countrymen and fellow-citizens? Of that band of benefactors of the human race, the founders of the Constitution of the United States, James Madison is the last who is gone to his reward. Their glorious work has survived them all. They have transmitted the precious bond of union to us, now entirely a succeeding generation to them. May it never cease to be a voice of admonition to us of our duty to transmit the inheritance unimpaired to our children of the rising age.

Of the personal relations with this great man, which gave rise to the long career of public service in which twenty years of my own life have been engaged, it becomes me not to speak. The fulness of the heart must be silent, even to the suppression of the overflowings of gratitude and affection.

A message was received from the Senate, announcing the adoption of the following resolution by that body:

"IN SENATE OF THE UNITED STATES,
June 30, 1836.

"Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the President of the United States.

"Ordered, That Mr. RIVES, Mr. CLAY, Mr. CALHOUN, Mr. GRUNDY, Mr. BUCHANAN, Mr. LEIGH, and Mr. TALLMADGE, be the committee.

"Attest: WALTER LOWRIE, Sec'y."

The House concurred in the resolution, and, according to a previous order of the House, the committee was ordered to consist of one from each State in the Union; and the following gentlemen were appointed:

Mr. PATTON, of Virginia; Mr. MASON, of Maine; Mr. CUSHMAN, of New Hampshire; Mr. ADAMS, of Massachusetts; Mr. TOUCEY, of Connecticut; Mr. PEARCE, of Rhode Island; Mr. ALLEN, of Vermont; Mr. WARD, of New York; Mr. PARKER, of New Jersey; Mr. ANTHONY, of Pennsylvania; Mr. MILLIGAN, of Delaware; Mr. WASHINGTON, of Maryland; Mr. DEBERRY, of North Carolina; Mr. GRIFFIN, of South Carolina; Mr. COFFEE, of Georgia; Mr. JOHNSON, of Kentucky; Mr. DUNLAP, of Tennessee; Mr. McLENE, of Ohio; Mr. RIPLEY, of Louisiana; Mr. CARR, of Indiana; Mr. CLAIBORNE, of Mississippi; Mr. REYNOLDS, of Illinois; Mr. LYON, of Alabama; Mr. HARRISON, of Missouri.

Cherokee Treaty.

The House then went into Committee of the Whole (Mr. LINCOLN in the chair) on the "bill making further appropriations for carrying into effect certain Indian treaties, and for other purposes."

The question pending was the motion of Mr. ADAMS to strike out the following clause:

"For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees of the 29th of December, 1835, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of the treaty, \$4,600,000."

West Point Academy.

On motion of Mr. CAMBRELENG, the committee then took up the "bill making appropriations for the Military Academy of the United States, for the year 1836."

Mr. PRERCE, of New Hampshire, rose and addressed the Chair as follows:

Mr. Chairman: An attempt was made during the last Congress to bring the subject of the reorganization of the Military Academy before the country, through a report of a committee. The same thing has been done during the present session, again and again, but all efforts have proved alike unsuccessful! Still, you do not cease to call for appropriations;

you require the people's money for the support of the institution, while you refuse them the light necessary to enable them to judge of the propriety of your annual requisitions.

Whether the amount proposed to be appropriated by the bill upon your table is too great or too small, or precisely sufficient to cover the current expenses of the institution, is a matter into which I will not at present inquire; but I shall feel bound to oppose the bill in every stage of its progress. I cannot vote a single dollar until the resolution of inquiry, presented by my friend from Kentucky, (Mr. HAWES,) at an early day in the session, shall be first taken up and disposed of. I am aware, sir, that it will be said, because I have heard the same declaration on a former occasion, that this is not the proper time to discuss the merits of the institution; that the bill is to make provision for expenses already incurred in part; and whatever opinions may be entertained upon the necessity of a reorganization, the appropriation must be made. I say to gentlemen who are opposed to the principles of the institution, and to those who believe that abuses exist, which ought to be exposed and corrected, that now is their only time, and this the only opportunity during the present session, to attain their object, and I trust they will steadily resist the bill until its friends shall find it necessary to take up the resolution of inquiry and give it its proper reference.

Sir, why has this investigation been resisted? Is it not an institution which has already cost this country more than three millions of dollars, for which you propose, in this very bill, an appropriation of more than one hundred and thirty thousand dollars, and which at the same time, in the estimation of a large portion of the citizens in this Union, has failed, eminently failed, to fulfil the objects for which it was established, of sufficient interest and importance to claim the consideration of a committee of this House, and of the House itself?

I should have expected the resolution of the gentleman from Kentucky, (Mr. HAWES,) merely proposing an inquiry, to pass without opposition, had I not witnessed the strong sensation, nay, excitement, that was produced here, at the last session, by the presentation of his yet unpublished report. Sir, if you would have an exhibition of highly excited feeling, it requires little observation to learn that you may produce it at any moment by attacking such laws as confer exclusive and gratuitous privileges. The adoption of the resolution of inquiry, at the last session of Congress, and the appointment of a select committee under it, were made occasion of newspaper paragraphs, which, in tone of lamentation, and direful prediction, rivalled the most highly wrought specimens of the panic era. One of those articles I preserved, and have before me. It commences thus: "*The architects of ruin.*—This name has been appropriately given to those who are leading on the base, the ignorant, and the un-

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principled, in a remorseless war upon all the guards and defences of society."

I introduce it here merely to show what are, in certain quarters, considered the guards and defences of society. After various compliments, similar to that just cited, the article proceeds: "All this is dangerous as novel, and the ultimate results cannot be contemplated without anxiety. If this spirit extends, who can check it? 'Down with the Bank;' 'down with the Military Academy;' 'down with the Judiciary;' 'down with the Senate;' will be followed by watchwords of a worse character." Here, Mr. Chairman, you have the United States Bank first, and then the Military Academy, as the guards and defences of your country. If it be so, you are indeed feebly protected. One of these guards and defences is already tottering. And who are "the architects of ruin" that have resolved its downfall? Are they the base, the ignorant, and the unprincipled? No, sir. The most pure and patriotic portion of your community; the staid, industrious, intelligent farmers and mechanics, through a public servant, who has met responsibilities, and seconded their wishes, with equal intrepidity and success, in the camp and in the cabinet, have accomplished this great work. Mr. Chairman, there is no real danger to be apprehended from this much-dreaded levelling principle.

From the middling interest you have derived your most able and efficient support in the most gloomy and trying periods of your history. And what have they asked in return? Nothing but the common advantages and blessings of a free Government, administered under equal and impartial laws. They are responsible for no portion of your legislation, which, through its partial and unjust operation, has shaken this Union to its centre. That has had its origin in a different quarter, sustained by wealth, the wealth of monopolies, and the power and influence which wealth, thus accumulated and disposed, never fails to control. Indeed, sir, while far from demanding at your hands special favors for themselves, they have not, in my judgment, been sufficiently jealous of all legislation conferring exclusive and gratuitous privileges.

That the law creating the institution of which I am now speaking, and the practice under it, is strongly marked by both these characteristics, is apparent at a single glance. It is gratuitous, because those who are so fortunate as to obtain admission there receive their education without any obligation, except such as a sense of honor may impose, to return, either by service or otherwise, the slightest equivalent. It is exclusive, inasmuch as only one youth out of a population of more than 47,000 can participate in its advantages at the same time; and those who are successful are admitted at an age, when their characters cannot have become developed, and with very little knowledge of their adaptation, mental or phys-

ical, for military life. The system disregards one of those great principles which, carried into practice, contributed, perhaps, more than any other, to render the arms of Napoleon invincible for so many years. Who does not perceive that it destroys the very life and spring of military ardor and enthusiasm, by utterly foreclosing all hope of promotion to the soldier and non-commissioned officer? However meritorious may be his services, however pre-eminent may become his qualifications for command, all is unavailing. The portcullis is dropped between him and preferment; the wisdom of your laws having provided another criterion than that of admitted courage and conduct, by which to determine who are worthy of command. They have made an Academy, where a certain number of young gentlemen are educated annually at the public expense, and to which there is, of consequence, a general rush, not so much from sentiments of patriotism and a taste for military life, as from motives less worthy—the avenue, and the only avenue, to rank in your army. These are truths, Mr. Chairman, which no man will pretend to deny; and I leave it for this House and the nation to determine whether they do not exhibit a spirit of exclusiveness, alike at variance with the genius of your Government and the efficiency and chivalrous character of your military force.

Sir, no man can feel more deeply interested in the army, or entertain a higher regard for it, than myself. My earliest recollections connect themselves fondly and gratefully with the names of the brave men who, relinquishing the quiet and security of civil life, were staking their all upon the defence of their country's rights and honor. One of the most distinguished among that noble band now occupies and honors a seat upon this floor.

It is not fit that I should indulge in expressions of personal respect and admiration, which I am sure would find a hearty response in the bosom of every member of this committee. I allude to him merely to express the hope that, on some occasion, we may have, upon this subject, the benefit of his experience and observation. And if his opinions shall differ from my own, I promise carefully to review every step by which I have been led to my present conclusions. You cannot mistake me, sir; I refer to the hero of Erie. I have declared myself the friend of the army. Satisfy me, then, what measures are best calculated to render it effective, and what all desire it to be, and I go for the proposition with my whole heart.

But I cannot believe that the Military Academy, as at present organized, is calculated to accomplish this desirable end. It may, and undoubtedly does, send forth into the country much military knowledge; but the advantage which your army, or that which will constitute your army in time of need, derives from it, is by no means commensurate with the expense you incur. Here, Mr. Chairman, permit me to say that I deny, utterly, the expediency, and

the right to educate, at the public expense, any number of young men who, on the completion of their education, are not to form a portion of your military force, but to return to the walks of private life. Such was never the operation of the Military Academy until after the law of 1812; and the doctrine, so far as I have been able to ascertain, was first formally announced by a distinguished individual, at this time sufficiently jealous of the exercise of executive patronage, and greatly alarmed by what he conceives to be the tendencies of this Government to centralism and consolidation. It may be found in the report of the Secretary of War, communicated to Congress in 1819.

If it shall, upon due consideration, receive the sanction of Congress and the country, I can see no limit to the exercise of power and Government patronage. Follow out the principle, and where will it lead you? You confer upon the National Government the absolute guardianship of literature and science, military and civil; you need not stop at military science; any one, in the wide range of sciences, becomes at once a legitimate and constitutional object of your patronage; you are confined by no limit but your discretion; you have no check but your own good pleasure. If you may afford instruction, at the public expense, in the languages, in philosophy, in chemistry, and in the exact sciences, to young gentlemen who are under no obligation to enter the service of their country, but are, in fact, destined for civil life, why may you not, by parity of reasoning, provide the means of a legal, or theological, or medical education, on the ground that the recipients of your bounty will carry forth a fund of useful knowledge, that may, at some time, under some circumstances, produce a beneficial influence, and promote "the general welfare?" Sir, I fear that even some of us may live to see the day when this "general welfare" of your constitution will leave us little ground to boast of a Government of limited powers. But I did not propose at this time to discuss the abstract question of constitutional right. I will regard the expediency alone; and whether the power exist or not, its exercise, in an institution like this, is subversive of the only principle upon which a school, conducted at the public expense, can be made profitable to the public service—that of making an admission into your school, and an education there, secondary to an appointment in the army. Sir, this distinctive feature characterized all your legislation, and all executive recommendations, down to 1810.

I may as well notice here, as at any time, an answer which has always been ready when objections have been raised to this institution—an answer which, if it has not proved quite satisfactory to minds that yield their assent more readily to strong reasons than to the authority of great names, has yet, unquestionably, exercised a powerful influence upon the public mind. It has not gone forth upon the authority of an individual merely, but has been pub-

lished to the world with the approbation of a committee of a former Congress. It is this: that the institution has received at different times the sanction of such names as Washington, Adams, and Jefferson; and this has been claimed with such boldness, and in a form so imposing, as almost to forbid any question of its accuracy. If this were correct, in point of fact, it would be entitled to the most profound respect and consideration, and no change should be urged against the weight of such authority, without mature deliberation, and thorough conviction of expediency. Unfortunately for the advocates of the institution, and fortunately for the interests of the country, this claim cannot be sustained by reference to executive documents, from the first report of General Knox, in 1790, to the close of Mr. Jefferson's administration.

The error has undoubtedly innocently occurred, by confounding the Military Academy at West Point as it was, with the Military Academy at West Point as it is. The report of Secretary Knox, just referred to, is characterized by this distinctive feature—that the corps proposed to be organized were "to serve as an actual defence to the community," and to constitute a part of the active military force of the country, "to serve in the field, or on the frontier, or in the fortifications of the sea-coast, as the commander-in-chief may direct." At a later period, the report of the Secretary of War, (Mr. McHenry,) communicated to Congress in 1800, although it proposed a plan for military schools, differing in many essential particulars from those which had preceded it, still retained the distinctive feature just named as characterizing the report of General Knox.

With regard to educating young men gratuitously, which, whatever may have been the design, I am prepared to show is the practical operation of the Academy, as at present organized, I cannot, perhaps, exhibit more clearly the sentiments of the Executive at that early day, urgent as was the occasion, and strong as must have been the desire, to give strength and efficiency to the military force, than by reading one or two paragraphs from a supplementary report of Secretary McHenry, addressed to the chairman of the Committee of Defence, on the 31st January, 1800.

The Secretary says:

"Agreeably to the plan of the Military Academy, the directors thereof are to be officers taken from the army; consequently, no expense will be incurred by such appointments. The plan also contemplates that officers of the army, cadets, and non-commissioned officers, shall receive instruction in the Academy. As the rations and fuel which they are entitled to in the army will suffice for them in the Academy, no additional expense will be required for objects of maintenance while there.

"The expenses of servants and certain incidental expenses relative to the police and administration, may be defrayed by those who shall be admitted, out of their pay and emoluments."

JUNE, 1836.]

West Point Academy.

[H. OF R.]

You will observe, Mr. Chairman, from the phraseology of the report, that all were to constitute a part of your actual military force; and that whatever additional charges should be incurred, were to be defrayed by those who might receive the advantages of instruction. These were provisions, just as they are important. Let me call your attention for a moment to a report of Colonel Williams, which was made the subject of a special message, communicated to Congress by Mr. Jefferson, on the 18th of March, 1808.

The extract I propose to read, as sustaining fully the views of Mr. McHenry upon this point, is in the following words:

"It might be well to make the plan upon such a scale as not only to take in the minor officers of the navy, but also any youths from any of the States who might wish for such an education, whether designed for the army or navy, or neither, and let them be assessed to the value of their education, which might form a fund for extra or contingent expenses."

Sir, these are the true doctrines upon this subject: doctrines worthy of the administration under which they were promulgated, and in accordance with the views of statesmen in the earlier and purer days of the republic.

Give to the officers of your army the highest advantages for perfection in all the branches of military science, and let those advantages be open to all, in rotation, and under such terms and regulations as shall be at once impartial toward the officers, and advantageous to the service; but let all young gentlemen who have a taste for military life, and desire to adopt arms as a profession, prepare themselves for subordinate situations at their own expense, or at the expense of their parents or guardians, in the same manner that the youth of the country are qualified for the professions of civil life. Sir, while upon this subject of gratuitous education, I will read an extract from "Dupin's Military Force of Great Britain," to show what favor it finds in another country, from the practice and experience of which we may derive some advantages, however far from approving of its institutions generally. The extract is from the 2d vol., 71st page, and relates to the terms on which young gentlemen are admitted to the junior departments of the Royal Military College at Sandhurst.

"First. The sons of officers of all ranks, whether of the land or sea forces, who have died in the service, leaving their families in pecuniary distress; this class are instructed, boarded, and habited, gratuitously by the State; being required only to provide their equipments on admission, and to maintain themselves in linen.

"Secondly. The sons of all officers of the army above the rank of subalterns actually in the service, and who pay a sum proportioned to their ranks, according to a scale per annum regulated by the supreme board. The sons of living naval officers of rank not below that of master and commander, are also admitted on payment of annual stipends, similar to those of corresponding ranks in the army. The orphan sons

of officers, who have not left their families in pecuniary difficulties, are admitted into this class on paying the stipends required of officers of the rank held by their parents at the time of their decease.

"Thirdly. The sons of noblemen and private gentlemen who pay a yearly sum equivalent to the expenses of their education, board, and clothing, according to a rate regulated from time to time by the commissioners."

Sir, let it be remembered that these are the regulations of a Government which, with all its wealth and power, is, from its structure and practice, groaning under the accumulated weight of pensions, sinecures, and gratuities, and yet you observe that only one class, "the sons of officers of all ranks, whether of the land or sea forces, who have died in the service, leaving their families in pecuniary distress," are educated gratuitously.

I do not approve even of this, but I hold it up in contrast with your own principles and practice.

If the patience of the committee would warrant me, Mr. Chairman, I could show, by reference to executive communications, and the concurrent legislation of Congress in 1794, 1796, 1802, and 1808, that, prior to the last-mentioned date, such an institution as we now have was neither recommended nor contemplated. Upon this point I will not detain you longer; but when hereafter confronted by the authority of great names, I trust we shall be told where the expressions of approbation are to be found. We may then judge of their applicability to the Military Academy as at present organized.

I am far from desiring to see this country destitute of a Military Academy; but I would have it a school of practice, and instruction, for officers actually in the service of the United States: not an institution for educating, gratuitously, young gentlemen, who, on the completion of their term, or after a few months' leave of absence, resign their commissions and return to the pursuits of civil life.

If any one doubts that this is the practical operation of your present system, I refer him to the annual list of resignations, to be found in the adjutant general's office.

Firmly as I am convinced of the necessity of a reorganization, I would take no step to create an unjust prejudice against the institution. All that I ask, and, so far as I know, all that any of the opponents of the institution ask, is, that after a full and impartial investigation, it shall stand or fall upon its merits. I know there are graduates of the institution who are ornaments to the army, and an honor to their country; but they, and not the seminary, are entitled to the credit. Here I would remark, once for all, that I do not reflect upon the officers or pupils of the Academy; it is to the principles of the institution itself, as at present organized, that I object. It is often said that the graduates leave the institution with sentiments that but ill accord with the feelings and opinions of the great mass of the people of that

Government from which they derive the means of education, and that many who take commissions possess few qualifications for the command of men, either in war or in peace. Most of the members of this House have had more or less intercourse with these young gentlemen, and I leave it for each individual to form his own opinion of the correctness of the charges. Thus much I will say for myself, that I believe that these and greater evils, are the natural, if not inevitable, result of the principles in which this institution is founded; and any system of education, established upon similar principles, on Government patronage alone, will produce like results, now and forever. Sir, what are some of these results? By the report of the Secretary of War, dated January, 1831, we are informed that, "by an estimate of the last five years, (preceding that date,) it appears that the supply of the army from the corps of graduated cadets has averaged about twenty-two annually, while those who graduated are about forty, making in each year an excess of eighteen. The number received annually into the Academy averages one hundred, of which only the number stated, to wit: forty, pass through the prescribed course of education at schools, and become supernumerary lieutenants in the army." By the report of the Secretary of War, December, 1830, we are informed that "the number of promotions to the army from this corps for the last five years, has averaged about twenty-two annually, while the number of graduates has been at an average of forty. This excess, which is annually increasing, has placed eighty-seven in waiting until vacancies shall take place; and shows that, in the next year, probably, and in the succeeding one, certainly, there will be an excess beyond what the existing law authorizes to be commissioned. There will then be one hundred and six supernumerary brevet second lieutenants appurtenant to the army, at an average annual expense of \$80,000." Sir, that results here disclosed were not anticipated by Mr. Madison, is apparent from a recurrence to his messages of 1810 and 1811.

In passing the law of 1812, both Congress and the President acted for the occasion, and they expected those who should succeed them to act in a similar manner. Their feelings of patriotism and resentment were aroused, by beholding the privileges of freemen wantonly invaded, our glorious stars and stripes disregarded, and national and individual rights trampled in the dust. The war was pending. The necessity for increasing the military force of the country was obvious and pressing, and the urgent occasion for increased facilities for military instruction equally apparent.

Sir, it was under circumstances like these, when we had not only enemies abroad, but I blush to say, enemies at home, that the institution, as at present organized, had its origin. It will hardly be pretended that it was the original design of the law to augment the number

of persons instructed beyond the wants of the public service.

Well, the report of the Secretary shows that, for five years prior to 1831, the Academy had furnished eighteen supernumeraries annually. A practical operation of this character has no sanction in the recommendation of Mr. Madison. The report demonstrates, further, the fruitfulness and utility of this institution, by showing the fact, that but two-fifths of those who enter the Academy graduate, and that but a fraction more than one-fifth enter the public service.

This is not the fault of the administration of the Academy; it is not the fault of young gentlemen who are sent there; on your present peace establishment there can be but little to stimulate them, particularly in the acquisition of military science. There can hardly be but one object in the mind of the student, and that would be to obtain an education for the purposes of civil life. The difficulty is, that the institution has outlived both the occasion that called it into existence and its original design.

I have before remarked that the Academy was manifestly enlarged to correspond with the army and militia actually to be called into service. Look, then, for a moment, at facts, and observe with how much wisdom, justice, and sound policy, you retain the provisions of the law of 1812. The total authorized force of 1813, after the declaration of war, was 58,254; and in October, 1814, the military establishment amounted to 62,428. By the act of March, 1815, the peace establishment was limited to 10,000, and now hardly exceeds that number. Thus you make a reduction of more than 50,000 in your actual military force, to accommodate the expenses of the Government to its wants. And why do you refuse to do the same with your grand system of public education? Why does that remain unchanged? Why not reduce it at once, at least to the actual wants of the service, and dispense with your corps of supernumerary lieutenants? Sir, there is, there can be, but one answer to the question, and that may be found in the war report of 1819, to which I have before had occasion to allude. The Secretary says, "the cadet who cannot be provided for in the army will return to private life; but in the event of a war their knowledge will not be lost to the country."

Indeed, sir, these young gentlemen, if they could be induced to take the field, would, after a lapse of ten or fifteen years, come up from the bar, or it may be the pulpit, fresh in military science, and admirably qualified for command in the face of an enemy!

The magazine of facts, to prove at the same glance the extravagance and unfruitfulness of this institution, is not easily exhausted; but I am admonished by the lateness of the hour to omit many considerations which I regard as both interesting and important. I will only detain the committee to make a single state-

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Texas Independence.

[H. OF R.]

ment, placing side by side some aggregate results. There has already been expended upon the institution more than three millions three hundred thousand dollars. Between 1815 and 1821, thirteen hundred and eighteen students were admitted into the Academy; and of all the cadets who were ever there, only two hundred and sixty-five remained in the service at the end of 1830. Here are the expenses you have incurred, and the products you have realized.

I leave them to be balanced by the people. But, for myself, believing as I do that the Academy stands forth as an anomaly among the institutions of this country; that it is at variance with the spirit, if not the letter, of the constitution under which we live; so long as this House shall deny investigation into its principles and practical operation, I, as an individual member, will refuse to appropriate the first dollar for its support.

MR. CAMBRELENG moved that the committee rise, and report the "bill for the suppression of Indian hostilities," and lay the one under consideration aside.

MR. BRIGGS objected to the motion.

The motion was disagreed to without a division, and MR. PIERCE concluded his remarks.

The committee then rose and reported both the above bills to the House, when the amendments to both were severally concurred in, and they were ordered to a third reading, and read a third time and passed.

Death of Ex-President Madison.

MR. PATTON, from the select committee, made the following report:

"The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious and beloved fellow-citizen, JAMES MADISON, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate, and of the Speaker of the House of Representatives be shrouded in black during the present session; and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses, wear the usual badge of mourning for thirty days.

"Resolved, That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

"Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character, and of their sincere condolence on the late afflicting dispensation of Providence."

The report and resolutions were concurred in unanimously.

On motion of MR. BRIGGS,
The House then adjourned.

MONDAY, July 4.

Texas Independence.

MR. MASON, of Virginia, from the Committee on Foreign Affairs, made a report in relation to the affairs of Texas, accompanied by the following resolutions:

"1. *Resolved,* That the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information has been received that it has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent power.

"2. *Resolved,* That the House of Representatives perceive with satisfaction that the President of the United States has adopted measures to ascertain the political, military, and civil condition of Texas."

MR. ADAMS moved to lay the report and resolutions on the table. Negatived—yeas 40, nays 108.

MR. PEXTON demanded the previous question upon the adoption of the resolutions.

MR. WILLIAMS, of North Carolina, thought it not necessary, and he therefore begged the gentleman from Tennessee to withdraw it.

MR. PEYTON refused, on the ground that there was no time to discuss the subject.

The previous question was seconded—ayes 80, noes not counted.

MR. HARDIN called for the yeas and nays on the main question; which were ordered.

MR. ADAMS called for a division of the question.

The question was taken on the first resolution, and was—yeas 128, nays 20, as follows:

YEAS.—Messrs. Ash, Bell, Bockee, Bond, Bouldin, Boyd, Bunch, Bynum, J. Calhoun, W. B. Calhoun, Cambreleng, Carr, Carter, Casey, G. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cushing, Cushman, Darlington, Denny, Dickerson, Doubleday, Dunlap, Forester, French, W. K. Fuller, Galbraith, J. Garland, R. Garland, Gillet, Granger, Griffin, Haley, J. Hall, Hamer, Hardin, Harlan, A. G. Harrison, Haynes, Henderson, Heister, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, J. Jackson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Kinnard, Lane, Lawler, Lay, G. Lee, T. Lee, L. Lea, Lewis, Loyall, Lucas, Lyon, J. Mann, Martin, J. Y. Mason, W. Mason, Maury, May, McCarty, McKay, McKennan, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Patton, F. Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Robertson, Rogers, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Thomas, J. Thomson, Toucey, Towns, Underwood, Ward, Washington, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams—128.

NAYS.—Messrs. Adams, H. Allen, Bailey, Beale, Clark, Crane, Grennell, H. Hall, Hazeltine, Jarvis, Lawrence, Lincoln, Love, D. J. Pearce, Phillips, Potts, Reed, Russell, Slade, Vinton—20.

So the first resolution was adopted.

H. OF R.]

Adjournment.

[JULY, 1836.]

The question was then taken on the second resolution, and was—yeas 113, nays 22.

Adjournment.

On motion of Mr. R. M. JOHNSON, the House took up the joint resolution from the Senate proposing the appointment of a joint committee to wait on the President of the United States with the usual message, and the committee on the part of the House was ordered to consist of two.

Discharge of Committees.

On motion of Mr. HARDIN, all the committees of the House were discharged from the further consideration of such subjects as had been referred to them and had not been acted on.

Mr. R. M. JOHNSON, from the select joint committee appointed to wait on the President of the United States, made the usual report.

On motion of Mr. PARKER, at 2 o'clock,
The House adjourned, *sine die*.

TWENTY-FOURTH CONGRESS.—SECOND SESSION.

PROCEEDINGS IN THE SENATE.

MONDAY, December 5, 1836.

The Senate assembled at 12 o'clock, M.

The VICE PRESIDENT took the chair, and the following Senators appeared in their seats, viz.:

Mr. RUGGLES, from Maine; Messrs. HUBBARD and PAGE, from New Hampshire; Messrs. PRENTISS and SWIFT, from Vermont; Mr. DAVIS, from Massachusetts; Messrs. KNIGHT and ROBINS, from Rhode Island; Messrs. NILES and TOMLINSON, from Connecticut; Mr. WRIGHT, from New York; Messrs. SOUTHARD and WALL, from New Jersey; Messrs. BUCHANAN and McKEAN, from Pennsylvania; Mr. BAYARD, from Delaware; Mr. KENT, from Maryland; Mr. RIVES, from Virginia; Mr. KING, from Georgia; Messrs. EWING and MORRIS, from Ohio; Messrs. CLAY and CRITTENDEN, from Kentucky; Messrs. GRUNDY and WHITE, from Tennessee; Messrs. HENDRICKS and TIPTON, from Indiana; Messrs. ROBINSON and EWING, from Illinois; Messrs. KING and MOORE, from Alabama; Mr. WALKER, from Mississippi; Messrs. BENTON and LYNN, from Missouri.

Mr. BENTON presented the credentials of Messrs. FULTON and SEVIER, Senators elect from the new State of Arkansas, and they were qualified and took their seats.

The following resolution was offered by Mr. BENTON, and adopted:

Resolved, That the Senate proceed to ascertain the classes in which the Senators of the State of Arkansas shall be inserted, in conformity with the resolution of the 14th of May, 1789, and as the constitution requires.

Ordered, That the Secretary put into the ballot box three papers, of equal size, numbered 1, 2, 3. Each of the Senators from the State of Arkansas shall draw out one paper. Number 1, if drawn, shall entitle the member to be placed in the class of Senators whose term of service will expire the 3d day of March, 1837; number 2 in the class whose term will expire the 3d day of March, 1839; and number 3 in the class whose term will expire the 3d day of March, 1841.

It was accordingly so determined, by lot,

that Mr. SEVIER's term should expire in 1837, and Mr. FULTON's in 1841.

On motion of Mr. GRUNDY, a committee was ordered to be appointed on the part of the Senate, on a joint committee of both Houses, to wait on the President of the United States, and inform him that a quorum of both Houses of Congress are assembled, and ready to receive from him such communication as he may be pleased to make.

Messrs. GRUNDY and SWIFT were appointed by the Chair members of said committee, on the part of the Senate.

The CHAIR presented the following letter of resignation from the Secretary of the Senate:

WASHINGTON, December 5, 1836.

SIR: I herewith resign the office of Secretary of the Senate of the United States.

Having so long possessed the confidence of the Senate, and enjoyed such continued and friendly intercourse with its members, it is with feelings of deep and painful sensibility I now separate from them; and these feelings are greatly increased, when I reflect on the courtesy and kindness I have received from yourself, as the presiding officer of the Senate, and on the uniform and unbroken confidence and friendship which have for so many years subsisted between us. No length of time or change of circumstances will ever efface from my mind the recollections growing out of these associations; and I shall always rejoice to hear of your prosperity and happiness, and of that of every member of the Senate.

WALTER LOWRIE.

HON. MARTIN VAN BUREN,
Vice President of the United States
and *President of the Senate*.

On motion of Mr. BENTON, it was

Ordered, That the Chief Clerk of the Senate perform the duties of Secretary till a Secretary shall be appointed.

Mr. MACHEN accordingly took the usual requisite oath.

TUESDAY, December 6.

The annual Message from the President of the United States was received, and read by the acting Secretary:

*Fellow-citizens of the Senate
and House of Representatives:*

Addressing to you the last annual Message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I cannot avoid congratulating you, and my country particularly, on the success of the efforts made during my administration by the Executive and Legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace, and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to him fervent supplication, that his providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honor of our country. But, although the present state of our foreign affairs, standing without important change as they did when you separated in July last, is flattering in the extreme, I regret to say that many questions of an interesting character, at issue with other powers, are yet unadjusted. Amongst the most prominent of these is that of our north-eastern boundary. With an undiminished confidence in the sincere desire of his Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France, our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interest of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connections with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp, have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil, and all our neighbors of this continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Governments will permit. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid

by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself; and I trust that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party, is not surprising. But this circumstance should, of itself, teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States, that our character requires that we should neither anticipate events, nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive by the accompanying documents, that the extraordinary mission from Mexico has been terminated, on the sole grounds that the obligations of this Government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as part of Texas, if necessary, to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary, who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish its dominion. The departure of this minister was the more singular, as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and that there was every reason to suppose that the troops of the United States, their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches, would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State, by the Mexican minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability in execution of the stipulations of our treaty to act upon the frontier, into an encroachment upon its rights or stain upon its honor.

In the mean time, the ancient complaints of injustice, made on behalf of our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance,

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and ample and immediate redress. I trust, however, by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's soon being able to execute the treaty on its part, it is proper that we should be, in anticipation, prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government, will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the Department of State. Copies of the treaties will be transmitted to you, if received before, or published, if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good will which is gradually growing up in our intercourse with the dominions of the Government of the distinguished chief of the Ottoman Empire.

Information has been received at the Department of State, that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive, from the report of the Secretary of the Treasury, that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the Treasury during the present year will amount to about \$47,691,898; those from customs being estimated at \$22,523,151; those from lands at about \$24,000,000; and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed \$32,000,000, which will leave a balance in the Treasury for public purposes, on the 1st day of January next, of about \$41,723,959. This sum, with the exception of five millions, will be transferred to the several States, in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation on the 1st day of January next, are estimated at \$14,636,062, exceeding by \$9,636,062, the amount which will be left in the deposit banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended when the deposit act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposit of the surplus moneys of the United States in the State treasuries for safe-keeping, until they may be wanted for the service of the General Government, it has been extensively spoken of as an

act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligation of the deposit act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself cannot sanction such a suggestion, and that, as it now stands, the States have no more authority to receive and use these deposits, without intending to return them, than any deposit bank, or any individual temporarily charged with the safe-keeping or application of the public money would now have for converting the same to their private use, without the consent and against the will of the Government. But independently of the violation of public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognizing the principles on which the suggestion has been made.

Considering the intimate connection of the subject with the financial interests of the country, and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties, who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists, to avert it.

Under our present revenue system, there is every probability that there will continue to be a surplus beyond the wants of the Government; and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury as it now is, or distributed among the people of the States.

To retain it in the Treasury, unemployed in any way, is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties, than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been

in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the States, would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. The shortest reflection must satisfy every one that, to require the people to pay taxes to the Government merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax could receive back promptly the same portion. But, it is apparent, that no system of the kind can ever be enforced, which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks, and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property, and giving it to another. Such would be the unavoidable result of a rule of equality, (and none other is spoken of, or would be likely to be adopted,) inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally*; and a rule, therefore, that would distribute to them *equally*, would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect, would be at once to destroy the means of its usefulness and change the character designed for it by the framers of the constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from any of the objections which apply to this principle of distribution. The Government had, without necessity, received from the people a large surplus, which, instead of being employed as heretofore, and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital; and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belonged to the people; but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New York; but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State, who purchases and consumes an article which has paid a duty at that

port, contributes to the accumulating mass. The surplus collected there, must, therefore, be made up of moneys or property withdrawn from other points and other States. Thus the wealth and business of every region from which these surplus funds proceed, must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus, and in making the re-transfer which becomes necessary when the time arrives for the distribution of that surplus, there is a considerable period when the funds cannot be brought into use; and it is manifest that, besides the loss inevitable from such an operation, its tendencies is to produce fluctuations in the business of the country, which are always productive of speculation, and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposit bill of the last session, we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue from imports and public lands must be made up by direct taxes collected from the States in that ratio. It is proposed to distribute the surplus, say \$30,000,000, not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of electors of President and Vice President. The effect of a distribution of that ratio is shown by the annexed table, marked A.

By an examination of that table, it will be perceived that in the distribution of the surplus of \$30,000,000 upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation; and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation, the framers of the constitution intended to equalize the burdens which are necessary to support the Government; and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever, therefore disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposit act compared with the results of a distribution according to the ratio of direct taxation, must satisfy every unprejudiced mind that the former ratio contravenes the spirit of the constitution, and produces a degree of injustice in the operation of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware, in the collection of \$30,000,000

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of revenue, would pay into the treasury \$188,716; and in the distribution of \$30,000,000 she would receive back from the Government, according to the ratio of the deposit bill, the sum of \$306,122; and similar results would follow the comparison between the small and the large States throughout the Union; thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the constitution which declares that "all duties, imposts, and excises" shall "be uniform throughout the United States," to make the burdens of taxation fall equally upon the people, in whatever State of the Union they may reside. But what would be the value of such a uniform rule, if the moneys raised by it could be immediately returned by a different one, which will give to the people of some States much more, and to those of others much less, than their fair proportions? Were the Federal Government to exempt, in express terms, the imports, products, and manufactures of some portions of the country from all duties, while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large States of the Union would not only have to contribute their just share towards the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the Governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the constitution, when they conferred on Congress the taxing power; and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised, of collecting the revenue, for the purpose of distributing it. Congress is only authorized to levy taxes "*to pay the debts and provide for the common defence and general welfare of the United States.*" There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the people. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the constitution. But, however this may be, the only safe rule for us, in interpreting the powers granted to the Federal Government, is to regard the absence of express authority to touch a subject so important and delicate as this, as equivalent to a prohibition.

Even if our powers were less doubtful in this respect, as the constitution now stands, there are considerations afforded, by recent experience, which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State Governments mainly depend on the fact that money has to be supplied to support them by the same men or their agents who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes; and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest, the agents of the people

in the State Government are repressed, and kept within the limit of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State Governments as the mainstay of our union and liberties. The State Legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the General Government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the old world.

In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are, in a great degree, the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it; and any system, therefore, into which it enters, must have a powerful tendency to increase rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue would, nevertheless, lose none of their force; for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned is, to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own Government, and contribute its due share towards the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation, which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demoral-

zation which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is, nevertheless, regretted that the suggestions made by me, in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time, the great struggle was begun against that latitudinarian construction of the constitution which authorizes the unlimited appropriations of the revenues of the Union to internal improvements within the States, tending to invest in the hands, and place under the control, of the General Government, all the principal roads and canals of the country, in violation of State rights, and in derogation of State authority. At the same time the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in derogation of the rights and powers of the States, the suggestion of an amendment of the constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an over-burdened treasury, until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people, in taxes, than is necessary for its economical support. Even that alternative was not spoken of but in connection with an amendment of the constitution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by the instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connection with an appeal to the source of all legal power in the General Government, the States which have established it. No such appeal has been taken, and, in my opinion, a distribution of the surplus revenue by Congress, either to the States or the people, is to be considered as among the prohibitions of the constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the constitution, in this respect, is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effect upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our Government is to be borne in preference to an overflowing treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to

foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognized by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the Revolution, had become so justly obnoxious, as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the convention which negated the proposition to grant power to Congress to charter corporations; a proposition well understood at the time, as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the convention, the object was afterwards in effect obtained, by its ingenious advocates, through a strained construction of the constitution. The debts of the Revolution were funded, at prices which formed no equivalent, compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act, to distrust.

The facts that the value of the stocks was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank, it became the interest of its creditors that gold should be superseded by the paper of a bank as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries as a mercantile commodity, more profitable than their retention and use at home as money. It followed, as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations, to prevent the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the bitter experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes, now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power; and it is to be hoped that the opportunity of effecting this great good will be improved before the country witnesses new scenes of embarrassment and distress.

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Variableness must ever be the characteristic of a currency, of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so, until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that, although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency; which, as it appears to make money abundant, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessities of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulterations is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States, and its repugnance to our constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the constitution. In the acts

of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws, banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and over-issues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various Registers and Receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks let out their notes to speculators; they were paid to the Receivers, and immediately returned to the banks, to be sent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the Government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in their notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

The safety of the public funds, and the interest of the people, generally, required that these operations should be checked, and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the fifteenth of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the Western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut of the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants, at Government prices, instead of their being compelled to purchase of speculators at double or treble

prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which will have ensued, much to commend, and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive any thing but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new States in particular, which cannot fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government, at the time of the removal of the deposits. It was alleged by the advocates of the Bank of the United States, that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposit banks.

The whole amount of public money transferred by the Bank of the United States in 1832, was \$16,000,000. The amount transferred and actually paid by the deposit banks in the year ending the first of October last, was \$39,319,899; the amount transferred and paid between that period and the 6th November, was \$5,399,000; and the amount of transfer warrants outstanding on that day, was \$14,450,000; making an aggregate of \$59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity; and the rates at which the exchanges have been negotiated previously to the passage of the deposit act were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits—a step unquestionably necessary to prevent

the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issue of other bank paper; but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government, your particular attention is invited to those articles which constitute the necessities of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article, the release of which from taxation, would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our Government, and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury, and the accompanying documents, that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition, which Congress authorized the Secretary to collect at their last session. Such measures as are within the power of the Executive have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present condition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the third day of March last, and it has now no power but that given in the 21st section, "to use the corporate name, style, and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the Legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property, to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own, and again put in circulation. That the old bank had no right to issue or reissue its notes after the expiration of its charter, cannot be denied; and that it could not confer any such right on its substitute, any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by public advertisement, paid up as presented, and, together with those on hand, cancelled and destroyed. Their reissue is sanctioned by

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no law, and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their reissue by the new corporation, for their own profit, is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner, and without his consent, are again reissued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held, and in use by the new bank, and for vindicating the rights of the Government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and Judiciary. It remains to be seen whether the persons, who, as managers of the old bank, undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency; use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of recovering it into their own possession.

The lessons taught by the Bank of the United States cannot well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands; and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State Governments.

It is believed that the law of the last session, regulating the deposit banks, operates onerously and unjustly upon them in many respects; and it is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that Department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of Government before the termination of your last session, you are already acquainted; and it is, therefore, only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles, during the summer, was, on our part, chiefly confined to the protection of our frontier settlements from the incursions of the enemy; and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty, several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which

I have deemed it proper to notice, in respect to the former, by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who, as commander-in-chief of the territorial militia, had been temporarily invested with the command, an ample force, for the purpose of resuming offensive operations, in the most efficient manner, so soon as the season should permit. Major-General Jesup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida, and assume the command.

The result of the first movement made by the forces under the direction of Governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the mean time, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major-General Jesup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal, and the dispositions he has made, and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the mean time, as you will perceive from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of those Indians, and the cause of their hostilities, requested by the resolution of the House of Representatives of the 1st of July last, to be made by the President, is now going on, through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches our troops were yet at that station; but the officer who has succeeded General Gaines has recently been advised, that, from the facts known at the seat of Government, there would seem to be no adequate cause for any longer maintaining that position; and he was accord-

ingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose, on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year, for the service of militia and volunteers, have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject, submitted by the Secretary of War, in his report, meet my entire concurrence, and are earnestly commended to the deliberate attention of Congress. In this connection, it is also proper to remind you, that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law, for organizing, arming, and disciplining this arm of defence, has been so repeatedly represented to Congress by myself and my predecessors, that I deem it sufficient, on this occasion, to refer to the last annual message and to former Executive communications, in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee, than were sufficient to meet the requisition which had been made by the Secretary of War upon the Governor of that State. This was occasioned by the omission of the Governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops, and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous, under circumstances authorizing them to believe that their services were needed, and would be accepted, that the expenses incurred by them, while absent from their homes, should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connection with which, it will also be proper to make provision for such other equitable claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking-out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost, after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly

remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects may be usefully expended during the next year.

The recommendations of an increase in the engineer corps, and for a reorganization of the topographical corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced, during the present year, in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions, directed by recent laws, have been suspended in consequence of the want of adequate force in these corps.

The like observations may be applied to the ordnance corps and to the general staff, the operations of which, as they are now organized, must either be frequently interrupted, or performed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the Military Academy, and of the other branches of the military service, not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein for legislative action, I would particularly notice the suggestion of the Secretary of War, for the revision of the pay of the army, as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government, for the removal of the Indian tribes originally settled on this side of the Mississippi to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affairs generally, will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our Western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States, are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents, in respect to those relations, will receive your early and mature deliberation; and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the report of the Secretary

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of the Navy for a satisfactory view of the operations of the department under his charge during the present year. In the construction of vessels at the different navy yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal appropriations for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster General presents a gratifying picture of the condition of the Post Office Department. Its revenues, for the year ending the 30th June last, were \$3,398,455 19, showing an increase of revenue over that of the preceding year of \$404,878 53, or more than thirteen per cent. The expenditures for the same year were \$2,755,623 76, exhibiting a surplus of \$642,831 43. The Department has been redeemed from embarrassment and debt; has accumulated a surplus of more than half a million of dollars; has largely extended, and is preparing still further to extend, the mail service, and recommends a reduction of postages equal to about twenty per cent. It is practising upon the great principle which should control every branch of our Government, of rendering to the public the greatest good possible with the least possible taxation to the people.

The scale of postages suggested by the Postmaster General recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the Department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the railroad lines there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them, except such as shall be negotiated before the time of offering or afterwards, and the power of the Postmaster General to pay them high prices is, practically, without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a

fixed rule of allowance. Under a liberal act of that sort, he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the Department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool, or other foreign ports, as proposed by the Postmaster General. On the contrary it promises, by the security it will afford, to facilitate commercial transactions, and give rise to an enlarged intercourse among the people of different nations, which cannot but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the Provincial Post Office, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest as by comity to the adjoining British Provinces.

The expediency of providing a fire-proof building for the important books and papers of the Post Office Department is worthy of consideration. In the present condition of our Treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for that Department, in favor of placing it near the other Executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different custom-houses, have been in progress for some years under the general direction of the Executive, and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each State in the Union, was added to the others by a joint resolution.

The care and correspondence as to all these subjects, have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole; the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year; with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting; other claims have been made for large increases in compensation, which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction, the subject was, at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the Treasury Department to the Committee on Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enact-

ment of some expressed and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that, such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey, and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers organized specially for that purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the constitution which will prevent, in any event, the election of the President and Vice President of the United States devolving on the House of Representatives and the Senate; and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper, on this, the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I cannot omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support, in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country; and I am consoled by the persuasion that whatever errors have been committed will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects, I shall not cease to invoke that beneficent Being to whose providence we are already so signally indebted, for the continuance of his blessings on our beloved country.

ANDREW JACKSON.

WASHINGTON, 5th December, 1836.

Five thousand copies of the Message and the accompanying documents were ordered to be printed.

Death of Mr. Goldsborough.

MR. KENT addressed the Chair as follows:

MR. President: Yonder vacant seat, heretofore so ably and so faithfully filled, but too significantly indicates the object of my addressing you at this time.

I rise, sir, for the purpose of announcing to you and to the Senate the melancholy intelligence of the death of my very worthy and excellent colleague, the late ROBERT H. GOLDSBOROUGH. He departed this life during the late recess, after a short illness, in the midst of his usefulness, and at a period when we should have been justifiable in allotting to him many years of vigorous health.

But few individuals have occupied a greater space in public estimation in his native State than MR. GOLDSBOROUGH. He filled, from an early period of his life, with no inconsiderable degree of reputation, various public stations, and was twice elected to a seat in this body. Possessing the advantages of a liberal education, which had been well improved, with the most polished address, he was ever found a ready and efficient debater, remarkable for his courtesy and politeness. He was truly said to have been "a man of manners and of letters too."

MR. GOLDSBOROUGH's exertions for the benefit of his fellow-men were not confined to public life. He was prominent as an agriculturist, making frequent and judicious experiments, enforcing his views by very able essays, thereby directing the attention of the agriculturist to such objects as were calculated to ameliorate and improve the condition of his exhausted lands. Truly exemplary in all the relations of private life, as a friend, neighbor, and in the domestic circle, he was unrivalled.

To me, personally, his loss is truly afflictive. A severe hoarseness, under which I have labored for some time, obliges me to be thus brief. I beg leave to offer the following resolution:

"Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Honorable ROBERT H. GOLDSBOROUGH, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape round the left arm."

The resolution was unanimously adopted, and the Senate adjourned.

WEDNESDAY, December 7.

Madison's Writings.

The following Message was received from the President of the United States:

To the Senate and House of Representatives:

I transmit, herewith, copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by

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Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the revolutionary Congress, and of the conventions that formed the Constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared—long withheld from the public as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participants with him in the scenes he describes, have passed away—well deserves to become the property of the nation; and cannot fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and every succeeding generation—accurate knowledge of the principles of their Government, and the circumstances under which they were recommended, and embodied in the constitution for adoption.

ANDREW JACKSON.

December 6, 1836.

On motion of Mr. RIVES, the reading of the correspondence was dispensed with, and it was ordered to be printed.

Expunging the Journal.

Mr. BENTON gave notice that on the first day on which there was a Senate sufficiently full, he should ask leave to introduce a resolution to expunge from the journal certain sentences thereon. He would state, at the same time, that the resolution he should introduce would be in the same words as the one introduced by him at the last session, and it was his wish that the resolution might be disposed of by the Senate, before the other important business of the session commenced.

MONDAY, December 12.

Mr. BLACK, Senator from Mississippi, Mr. TALLMADGE, Senator from New York, and Mr. WEBSTER, Senator from Massachusetts, appeared to-day, and took their seats.

Statements of Commerce and Navigation.

Mr. BENTON called up the resolution he had offered, respecting an alteration in the mode of printing the annual report from the Treasury on commerce and navigation.

Mr. KNIGHT moved to amend the resolution by striking out all after the word "resolved," and inserting—

Resolved by the Senate and House of Representatives, That the annual statement of the commerce and navigation of the United States be hereafter printed under the direction of the Secretary of the Treasury, and communicated as soon as possible after the commencement of each stated session of Congress, and that said statement be printed in the same form and at the same price as the ordinary printing of the two Houses of Congress; that the same number of copies as are usually printed be furnished for the purpose of binding and distribu-

tion, and that five thousand additional copies be equally distributed to the members of the Senate and House of Representatives.

Mr. BENTON said that, on looking further into the existing law providing for the printing of this document, he had become convinced that some such modification of the resolution was necessary as had now been proposed. The only objection he had to it related to the five thousand additional copies to be printed for the Senate; he thought this number larger than necessary, and proposed that it be reduced to three thousand.

Mr. KNIGHT assenting, the resolution was so modified accordingly, and in this form it was ordered to be engrossed for a third reading.

Secretary of the Senate.

The Senate proceeded to ballot for a Secretary of the Senate, in place of WALTER LOWRIE, Esq., resigned.

On the first ballot, Mr. ASBURY DICKINS received 20 votes; Hon. ARNOLD NAUDAIN, late of the Senate, 18; scattering 3; 21 being necessary to a choice.

On the second ballot, Mr. DICKINS received 21; Mr. NAUDAIN 18; Mr. BRYAN 1; 21 being necessary to a choice.

Mr. DICKINS was accordingly declared to be duly elected Secretary of the Senate.

Memory of Mr. Kinnard.

On motion of Mr. TIPTON, of Indiana, it was *Resolved*, That, in memory of the late Hon. Mr. KINNARD, a member of the House of Representatives from the State of Indiana, the members of the Senate wear crape on the left arm for the space of thirty days.

WEDNESDAY, December 14.

Mr. CALHOUN, Senator from South Carolina, appeared to day in his seat.

The Treasury Circular.

The following resolutions, introduced by Mr. EWING, of Ohio, being at their second reading:

"*Resolved by the Senate and House of Representatives, &c.,* That the Treasury order of the eleventh day of July, Anno Domini one thousand eight hundred and thirty-six, designating the funds which should be receivable in payment for public lands, be, and the same is hereby, rescinded.

"*Resolved, also,* That it shall not be lawful for the Secretary of the Treasury to delegate to any person, or to any corporation, the power of directing what funds shall be receivable for customs, or for the public lands; nor shall he make any discrimination in the funds so receivable, between different individuals, or between the different branches of the public revenue."

Mr. EWING, of Ohio spoke as follows: This extraordinary paper (the Treasury Circular) was issued by the Secretary of the Treasury on the 11th of July last in the form of a circular to the receivers of public money in the

several land offices in the United States, directing them, after the 15th of August then next, to receive in payment for public lands nothing but gold and silver and certificates of deposits, signed by the Treasurer of the United States, with a saving in favor of actual settlers, and bona fide residents in the State in which the land happened to lie. This saving was for a limited time, and expires, I think, to-morrow. The professed object of this order was to check the speculations in public lands; to check excessive issues of bank paper in the West, and to increase the specie currency of the country; and the necessity of the measure was supported, or pretended to be supported, by the opinions of members of this body and the other branch of Congress. But, before I proceed to examine in detail this paper, its character and its consequences, I will briefly advert to the state of things out of which it grew.

I am confident, and I believe I can make the thing manifest, that the avowed objects were not the only, nor even the leading objects for which this order was framed; they may have influenced the minds of some who advised it, but those who planned, and those who at last virtually executed it, were governed by other and different motives, which I shall proceed to explain.

It was foreseen, prior to the commencement of the last session of Congress, that there would be a very large surplus of money in the public Treasury beyond the wants of the country for all their reasonable expenditures. It was also well understood that the land bill, or some other measure for the distribution of this fund, would be again presented to Congress; and, if the true condition of the public Treasury were known and understood, that its distribution, in some form or other, would be demanded by the country. On the other hand, it seems to have been determined by the party, and some of those who act with it thoroughly, that the money should remain where it was, in the deposit banks, so that it could be wielded at pleasure by the Executive. Hence the report of the Secretary of the Treasury made to the two Houses of Congress on the 8th day of December, 1835, (doc. 2, page 2,) makes the aggregate balance in the Treasury, on the 1st day of January, 1836, no more than \$19,147,000; but now the controversy is ended, he shows, in his report of the 6th of December, 1836, that the true amount of that balance was \$26,749,803, making an error of \$7,602,803. There enters into this, and thence arises the egregious error, an estimate of the receipts for the last quarter of the then current year. After three-quarters of that quarter had elapsed; after this was in the hands of inferior officers, and, in the ordinary course of business, within the knowledge of his several bureaux at Washington, receipts within that quarter of about seven millions, he estimates the aggregate receipts for the whole quarter at \$4,950,000, whereas the true amount, as now reported, was

\$11,950,000, making a difference in the receipts of that single quarter of seven millions. I think I am very safe in saying that this most extraordinary error never would have occurred in this report if it had been the wish of the Executive to parade before the nation a very prosperous state of the public Treasury, and a large receipt for the year 1835. If nothing had been feared about the land bill or distribution project, the estimate for that quarter would probably have equalled the actual receipts.

The statement of the Secretary, however, showed a surplus; but he proceeds to calculate it away in the year 1836. He conjectures that the receipts of that year will amount to \$19,750,000, and of this he allows the public lands to produce \$4,000,000. The whole receipt being less by about \$4,000,000, than sufficient to sustain the estimated expenses of the year. But in his report of December 6, 1836, he gives the receipts of the same year at \$47,691,898; more, by about \$28,000,000, than his estimate; and of this the public lands yield \$24,000,000, six times the amount of that estimate.

These facts are striking; and if the errors originate in mere mistake, which I am willing to believe, they indicate a most extraordinary degree of ignorance as to the business of the country, and the direction of its capital, or a mind easily biased and led into error by preconceived opinions.

But Senators, in the course of the debate which afterwards sprung up on the land bill, went much farther than the Secretary of the Treasury. They denied, and most unequivocally, that there was any surplus, or that there would be any; and, when some of us offered an estimate of what would be the receipts into the Treasury in the current year, we were told that it would be very difficult to fasten that estimate upon us at this session of Congress. I, however, for one, determined to relieve gentlemen from all trouble on that score, as far as regarded myself. On the 15th of March, 1836, I submitted my estimate of the revenues and expenditures of the current year, in a speech which I caused to be printed in pamphlet form. In this I estimated the receipts from customs for the year at \$19,000,000
The public lands at more than 20,000,000
And I made the whole amount on hand, and received and receivable, in that year, in round numbers, without deducting expenditures - 77,000,000

The customs, it seems, have produced \$23,000,000, which is \$4,000,000 more than my estimate. The public lands \$24,000,000—about the sum which I had supposed. And the footing of the column in the report of the Secretary of the Treasury, which answers to my estimate of \$77,000,000, is \$74,441,702, being two and a half millions less than I conjectured. More than this deficit, however, is accounted for by the fact that the bank stock which I had supposed would fall in, within the current year,

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has not yet been sold, or the avails of it received into the Treasury.

When the true state of things became too obvious to be any longer successfully contested; when it became apparent to every one here and to the public that there was a large amount of public money lying in the deposit banks, and likely to remain there for years, an injury to the public, and beneficial to nobody, except bankers and brokers; and when no other means seemed to offer of resisting a distribution of this fund, the country became suddenly threatened with a foreign war—and, at one time, the walls of our Capitol were actually threatened with demolition by the great guns of the French navy—we were in imminent danger of invasion, and appropriations to the amount of more than \$80,000,000 were called for by gentlemen who are in favor of economy and reform, to enable the Executive to prepare for defence. But this spectre vanished. Then we were threatened with Indian invasion and Indian massacre on our whole North-western frontier. The squabble with a miserable horde of naked savages in the swamps of Florida, which has engaged the attention of this warlike administration for the last year, was magnified into a general and formidable rising of all the tribes east of the Rocky Mountains, and military preparations were called for that we might be in armor to do battle with them. At last a report of the Secretary of War, sanctioned by the President, put an end to all this absurdity; the deposit bill passed, after a desperate struggle, and then came this measure—the Treasury order—intended to destroy its effect.

This order grew out of the contest to which I have referred. It was issued not by the advice of Congress or under the sanction of any law. It was delayed until Congress was fairly out of the city, and all possibility of interference by legislation was removed, and then came forth this new and last expedient. It was known that these funds, received for public lands, had become a chief source of revenue, and it may have occurred to some that the passage of a Treasury order of this kind would have a tendency to embarrass the country; and as the bill for the regulation of the deposits had just passed, the public might be brought to believe that all the mischief occasioned by the order was the effect of the distribution bill. It has, indeed, happened, that this scheme has failed; the public understand it rightly, but that was not by any means certain at the time the measure was devised. It was not then foreseen that the people would as generally see through the contrivance as it has since been found that they do.

There may have been various other motives which led to the measure. Many minds were probably to be consulted, for it is not to be presumed that a step like this was taken without consultation, and guided by the will of a single individual alone. That is not the way in

which these things are done. No doubt one effect hoped for by some was, that a check would be given to the sales of the public lands. The operation of the order would naturally be, to raise the price of land by raising the price of the currency in which it was to be paid for. But, while this would be the effect on small buyers, those who purchased on a large scale would be enabled to sell at an advance of ten or fifteen per cent. over what would have been given if the United States lands had been open to purchasers in the ordinary way. Those who had borrowed money of the deposit banks and paid it out for lands, would thus be enabled to make sale to advantage, and by means of such sales make payment to the banks who found it necessary to call in their large loans, in order to meet the provisions of the deposit bill. The order, therefore, was likely to operate to the common benefit of the deposit banks and the great land dealers, while it counteracted the efforts of the obnoxious deposit bill.

There may have been yet another motive actuating some of those who devised this order. There was danger that the deposit banks, when called upon to refund the public treasure, would be unable to do it: indeed, it was said on this floor that the immediate effect of the distribution bill would be to break those banks. Now this Treasury order would operate to collect the specie of the country into the land offices, whence it would immediately go into the deposit banks, and would prove an acceptable aid to them while making the transfers required by law. These seem to me to have been among the real motives which led to the adoption of that order.

Mr. BENTON replied to Mr. EWING, and read a passage from the President's Message to show the reason for issuing the specie circular, and that it was to save the public lands from becoming the prey of speculators in exchange for worthless bank notes. He also read from a speech of Mr. WEBSTER, in 1816, to show the dangers of paper money and the duty of the Government to collect its duties and taxes in gold and silver only. The following is the extract read:

"Mr. W. said he felt it to be his duty to call the attention of the House once more to the subject of the collection of the revenue, and to present the resolutions which he had submitted. He had been the more inclined to do this, from an apprehension that the rejection yesterday, of the bill which had been introduced, might be construed into an abandonment, on the part of the House, of all hope of remedying the existing evil. He had had, it was true, some objections against proceeding by way of bill, because the case was not one in which the law was deficient, but one in which the execution of the law was deficient. * * * The situation of the country, said Mr. W., in regard to the collection of its revenues, is most deplorable. With a perfectly sound legal currency, the national revenues are not collected in this currency, but in paper of various sorts, and various degrees of value. * * It is quite clear that by the statute all duties and taxes

are required to be paid in the legal money of the United States, or in the Treasury notes, agreeably to a recent provision. It is just as clear that the law has been disregarded, and that the notes of the banks of a hundred different descriptions, and almost as many different values, have been received, and are still received, where the statute requires legal money or Treasury notes to be paid. * * There are some political evils which are seen as soon as they are dangerous, and which alarm at once as well the people as the Government. Wars and invasions, therefore, are not always the most certain destroyers of national prosperity. They come in no questionable shape. They announce their own approach, and the general safety is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, or a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a paper money system. These insinuate themselves in the shape of facilities, accommodation, and relief. They hold out the most fallacious hope of an easier payment of debts, and a lighter burden of taxation. It is easy for a portion of the people to imagine that Government may properly continue to receive depreciated paper, because they have received it, and because it is more convenient to obtain it than to obtain other paper or specie. But on these subjects it is that Government ought to exercise its own peculiar wisdom and caution. It is supposed to possess, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. It is bound to foresee the evil before every man feels it, and to take all necessary measures to guard against it, although they may be measures attended with some difficulty, and not without some temporary inconvenience. * * * The only power which the Government possesses of restraining the issue of the State banks, is to refuse their notes in the receipts of the Treasury. This power it can exercise now, or at least provide now for exercising it in reasonable time, because the currency of some part of the country is yet sound, and the evil is not yet universal. * * But I have expressed my belief on more than one occasion, and I now repeat the opinion, that it was the duty of the Secretary of the Treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. * * * It can hardly be doubted that the influence of the Treasury could have effected all this. If not, it could have withdrawn the deposits, and the countenance of the Government, from institutions which, against all rule and all propriety, were holding great sums in Government stocks, and making enormous profits from the circulation of their own dishonored paper. That which was most wanted was the designation of a time for the corresponding operation of banks of different places. They could have been made by the head of the Treasury better than by anybody, or everybody else. * * * This Government has a right, in all cases, to protect its own revenues, and to guard them against defalcation or bad and depreciated paper. It is bound, also, to collect the taxes of the people on a uniform system." * * * * *

[Having read these passages from the speech of Mr. WEBSTER, Mr. BENTON thus concluded his own justification of the Treasury special order:]

The Treasury order was a measure of regulation upon the State banks, intended to save

the finances and the currency, as well as the public lands. The Bank of the United States regulated the State banks by the simple process of excluding their paper from the Federal receipts and expenditures; and this was effected by the 24th and 25th articles of the by-laws of the corporation already read. She excluded them to make room for her own notes; and this is the extent of her skill and of her merit in all this boasted regulation of local currencies of which we hear so much. The Federal Government has only to do the same, and the State bank issues are repelled upon their sources, and become comparatively harmless. It is receivability for federal dues; it is receivability at the land offices, custom-houses, and post offices, which gives them wings to fly over the continent, and enables them to pass, without regard to the credit or solvency of the bank from which they come. It is the Federal Government endorsement which does the mischief; and this endorsement, for all the purposes of false credit and want of responsibility, is given to the whole issue of every bank whose paper is made receivable for public dues. The experiment has been tried, and local paper has failed as a national currency, and out of that failure arose the second United States Bank. It will fail again, and again, and forever! There is no safety for the federal revenues but in the total exclusion of local paper, and that from every branch of the revenue—customs, lands, and post office. There is no safety for the national finances but in the constitutional medium of gold and silver. After forty years of wandering in the wilderness of paper money, we have approached the confines of the constitutional medium. Seventy-five millions of specie in the country, with the prospect of annual increase of ten or twelve millions for the next four years, three branch mints to commence next spring, and the complete restoration of the gold currency, announce the success of President Jackson's great measures for the reform of the currency, and vindicate the constitution from the libel of having prescribed an impracticable currency. The success is complete; and there is no way to thwart it, but to put down the Treasury order, and to reopen the public lands to the inundation of paper money. Of this, it is not to be dissembled, there is great danger. Four deeply interested classes are at work to do it—speculators, local banks, United States Bank, and politicians out of power. They may succeed, but he (Mr. B.) would not despair. The darkest hour of night is just before the break of day; and, through the gloom ahead, he saw the bright vision of the constitutional currency erect, radiant, and victorious. Through regulation or explosion, success must eventually come. If reform measures go on, gold and silver will be gradually and temperately restored; if reform measures are stopped, then the paper system runs riot, and explodes from its own expansion. Then the Bank of the United States will exult

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in the catastrophe, and claim its own re-establishment, as the only adequate regulator of the local banks. Then it will be said the specie experiment has failed! But no; the contrary will be known, that the specie experiment has not failed, but it was put down by the voice and power of the interested classes, and must be put up again by the voice and power of the disinterested community.

Statements of Commerce and Navigation.

The joint resolution introduced some days ago by Mr. BENTON, providing for the earlier preparation of the annual report on commerce and navigation was read a third time, and passed—

When the Senate adjourned.

THURSDAY, December 15.

Mr. RIVES presented the credentials of RICHARD E. PARKER, Senator elect from Virginia; and

Mr. BROWN presented the credentials of ROBERT STRANGE, Senator elect from North Carolina.

MESSRS. STRANGE and PARKER appeared, were qualified, and took their seats.

MONDAY, December 19.

THE CHAIR presented the credentials of Mr. BUCHANAN, elected a Senator by the Legislature of Pennsylvania, for six years from the 4th of March next.

Mr. Clay's Land Bill.

Mr. CLAY, in pursuance of the notice which he had given, rose to ask leave to introduce the land bill.

The operation of the bill which had heretofore several times passed the Senate, and once the House, commenced on the last of December, 1822, and was to continue five years. It provided for a distribution of the nett proceeds of the public lands during that period, upon well-known principles. But the deposit act of the last session had disposed of so large a part of the divisible fund under the land bill, that he did not think it right, in the present state of the Treasury, to give the bill—which he was about to apply for leave to introduce—that retrospective character. He had accordingly, in the draught which he was going to submit, made the last day of the present month its commencement, and the last day of the year 1841 its termination. If it should pass, therefore, in this shape, the period of its duration will be the same as that prescribed in the former bills. The Senate will readily comprehend the motive for fixing the end of the year 1841, as it is at that time that the biennial reductions of ten per cent. upon the existing duties cease, according to the act of the 2d March, 1833, commonly called the compromise act, and a reduction of one-half of the excess beyond twenty per cent. of any duty then re-

maining is to take effect. By that time, a fair experiment of the land bill will have been made, and Congress can then determine whether the proceeds of the national domain shall continue to be equitably divided, or shall be applied to the current expenses of the Government.

WEDNESDAY, December 21.

Mr. RUGGLES presented the credentials of the Hon. JUDAH DANA, elected a Senator from the State of Maine, to supply the vacancy occasioned by the resignation of the Hon. ETHER SHEPLEY; after which, the oath to support the Constitution of the United States was administered to Mr. DANA by the Vice President, and he took his seat.

Further Public Deposits with the States.

Mr. CALHOUN, agreeably to notice, asked and obtained leave to introduce the following bill:

A bill to extend the provisions of certain sections therein named of the act of the 23d June, 1836, regulating the deposits of the money that may be in the Treasury on the 1st January, 1838.

Be it enacted, &c., That the money which shall be in the Treasury of the United States on the 1st day of January, 1838, reserving the sum of five millions of dollars, shall be deposited with the several States, on the terms and according to the provisions of the 13th, 14th, and 15th sections of the act to regulate the deposits of the public money, approved the 23d day of June, 1836.

Mr. C., in introducing the bill, observed that he had not asked leave to introduce this bill without satisfying himself that there would be a large surplus of the public revenue remaining in the Treasury at the termination of the next year, after allowing for very liberal appropriations on all proper subjects of expenditure. From the calculations he had made, he was convinced that the amount of this surplus would not fall short of eight millions of dollars.

Assuming, then, that there would be a surplus, the question presented itself as to what should be done with it. That question Mr. C. would not now attempt to argue. The discussion of it at this time would be premature and out of place. He proposed to himself a more limited object, which was to state the points connected with this subject, which he considered as established; and to point out what was the real issue at present. One point was perfectly established by the proceedings of the last session—that, when there was an unavoidable surplus, it ought not to be left in the Treasury, or in the deposit banks, but should be deposited with the States. It was not only the most safe, but the most just, that the States should have the use of the money in preference to the banks. This, in fact, was the great and leading principle which lay at the foundation of the act of last session—an act that would forever distinguish the 24th Congress—an act which will go down with honor to posterity, as it had obtained the almost unanimous approbation of the pres-

ent day. The passage had inspired the country with new hopes. It had been beheld abroad as a matter of wonder, a phenomenon in the fiscal world, such as could have sprung out of no institutions but ours, and which went in a powerful and impressive manner to illustrate the genius of our Government.

Mr. WALKER moved that the bill be referred to the Committee on Finance; and, in supporting his motion, observed that he had been one of those who voted against what was now openly avowed to be a distribution bill. Since the money had been distributed, some of the largest States had already come forward and applied to Congress for the repeal of that section of the bill which provided for the refunding of the money by the States, when it should be needed by the General Government. He would remind the Senate that the distinguished gentleman from Massachusetts, (Mr. WEBSTER,) who had been one of the authors and advocates of this measure, did expressly tell the Senate that it would be but a single operation; and when the Senate were warned that that bill would be only a precedent for the distribution policy in future, the distinguished Senator had assured them of the contrary, and had insisted that it was a single and solitary measure, intended only to meet a contingency. Yet, what was the Senate now asked to do? To create a surplus for the purpose of future distribution. Mr. W. really thought that such a proposition demanded examination by some committee, and he hoped that the Senate would not consent to take a leap in the dark. The honorable gentleman from South Carolina had presented, as one ground of his opposition to letting the public money remain in the deposit banks, a desire to prevent the public land from passing into the hands of speculators. But the gentleman's remedy had not met the evil. The distribution bill had not prevented the monopoly of the public lands by speculators, nor would it ever prevent it. If the gentleman did really desire to obviate that evil, let him join in recommending that part of the President's Message which proposed to limit the sale of the public lands to actual settlers. Should this recommendation be adopted, there would remain no surplus to be distributed. For how was the surplus created? By referring to the report of the Secretary of the Treasury, it would be found that, in the first three-quarters of the last year, twenty millions of dollars had been paid into the Treasury for the public lands, which was at the rate of about twenty-five millions a year. Yet, what portion of this amount was needed for actual settlers? Not more than \$5,000,000; or, according to an estimate made by the chairman of the Committee on Public Lands, not over \$8,000,000. Thus there would be a reduction in the receipt of \$16,000,000, being double the amount of the surplus predicted by the honorable gentleman from South Carolina. Let him, then, adopt the President's recommendation, and the evil apprehended could not take

place. But should the Senate pass the bill which had now been introduced, they would have passed the Rubicon, and the distribution policy would, in spite of all opposition, become the settled policy of the Government.

Mr. W. called upon the Senate and upon the country to remark that they were now invoked by the gentleman from South Carolina to create a surplus for the purpose of distribution.

Mr. BUCHANAN, without expressing any opinion on the merits of the bill, was in favor of its commitment. The subject extended itself into so many ramifications, was so complex and so extensive, that no leading measure ought to be adopted in relation to it without its previously undergoing the careful investigation of a committee. There were two counter projects now before the Senate, which were essentially incompatible with each other. One had been reported by the Senator from Kentucky, (Mr. CLAY,) which proposed to distribute the proceeds of the public lands among the States on certain conditions; the other to deposit the surplus that might accrue, under the provisions of the bill of the last session. Both these plans, it was obvious, could not prevail; while the President had recommended the sale of the public domain to actual settlers only. On this matter Mr. B. expressed no opinion, but should be guided in a great measure by the wishes and opinions of gentlemen coming from the new States.

Should the President's recommendation be adopted, there would probably be no surplus. He should like to see a responsible report from the Committee on Finance. On the question whether there would or would not be a surplus on the 1st of January next he expressed no opinion.

The question of referring the bill to the Committee on Finance was taken by yeas and nays, and resulted as follows:

YEES.—Messrs. Brown, Buchanan, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Niles, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall—22.

NAYS.—Messrs. Bayard, Benton, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Moore, Morris, Nicholas, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Webster, White, Wright—22.

The Chair voted in the affirmative, and so the bill was referred to the Committee on Finance.

Treasury Circular.

The Senate proceeded to the further consideration of Mr. EWING's joint resolution, rescinding the Treasury order of July 11th, 1836, and prohibiting the Secretary of the Treasury to delegate the power to specify the kind of funds to be received in payment for the public lands. The question was on ordering the resolution to a second reading.

Mr. WEBSTER said: I am very glad that a

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resolution to rescind this order has been thus early introduced; and I am glad, too, since the resolution is to be opposed, that opposition comes early, in a bold, unequivocal, and decided form. The order, it seems, is to be defended as being both legal and useful. Let its defence, then, be made.

The honorable member from Missouri (Mr. BENTON) objects even to giving the resolution to rescind a second reading. He avails himself of his right, though it be not according to general practice, to arrest the progress of the measure at its first stage. This, at least, is open, bold, and manly warfare.

The honorable member, in his elaborate speech, founds his opposition to this resolution, and his support of the Treasury order, on those general principles respecting currency which he is known to entertain, and which he has maintained for many years. His opinions some of us regard as altogether ultra and impracticable; looking to a state of things not desirable in itself, even if it were practicable; and, if it were desirable, as being far beyond the power of this Government to bring about.

The honorable member has manifested much perseverance and abundant labor, most undoubtedly, in support of his opinions; he is understood, also, to have had countenance from high places; and what new hopes of success the present moment holds out to him, I am not able to judge, but we shall probably soon see. It is precisely on these general and long-known opinions that he rests his support of the Treasury order. A question, therefore, is at once raised between the gentleman's principles and opinions on the subject of the currency, and the principles and opinions which have generally prevailed in the country, and which are, and have been, entirely opposite to his. That question is now about to be put to the vote of the Senate. In the progress and by the termination of this discussion, we shall learn whether the gentleman's sentiments are or are not to prevail, so far, at least, as the Senate is concerned. The country will rejoice, I am sure, to see some declaration of the opinions of Congress on a subject about which so much has been said, and which is so well calculated, by its perpetual agitation, to disquiet and disturb the confidence of society.

The member from Missouri charges those who wish to rescind the Treasury order with two objects: first, to degrade and disgrace the President, and next, to overthrow the constitutional currency of the country.

For my own part, sir, I denounce nobody; I seek to degrade or disgrace nobody. Holding the order illegal and unwise, I shall certainly vote to rescind it; and, in the discharge of this duty, I hope I am not expected to shrink back, lest I should do something which might call in question the wisdom of the Secretary, or even of the President. And I hope that so much of independence as may be manifested by free discussion and an honest vote is not to cause de-

nunciation from any quarter. If it should, let it come.

As to an attempt to overthrow the constitutional currency of the country, if I were now to enter into such a design, I should be beginning, at rather a late day, to wage war against the efforts of my whole political life. From my very first concern with public affairs, I have looked at the public currency as a matter of the highest interest, and hope I have given sufficient proofs of a disposition at all times to maintain it sound and secure, against all attacks and all dangers. When I first entered the other House of Congress, the currency was exceedingly deranged. Most of the banks had stopped payment, and the circulating medium had then become, indeed, paper money. So soon as a state of peace enabled us, I took some part in an effort, with others, to restore the currency to a better state; and success followed that effort.

But what is meant by the "constitutional currency," about which so much is said? What species, or forms of currency, does the constitution allow, and what does it forbid? It is plain enough that this depends on what we understand by currency. Currency, in a large, and perhaps, in a just sense, includes not only gold and silver and bank notes, but bills of exchange also. It may include all that adjusts exchanges, and settles balances, in the operations of trade and business. But if we understand by currency the legal money of the country, that which constitutes a lawful tender for debts, and is the statute measure of value, then, undoubtedly, nothing is included but gold and silver. Most unquestionably there is no legal tender, and there can be no legal tender, in this country, under the authority of this Government or any other, but gold and silver, either the coinage of our own mints, or foreign coins, at rates regulated by Congress. This is a constitutional principle, perfectly plain, and of the very highest importance. The States are expressly prohibited from making any thing but gold and silver a tender in payment of debts; and, although no such express prohibition is applied to Congress, yet, as Congress has no power granted to it, in this respect, but to coin money, and to regulate the value of foreign coins, it clearly has no power to substitute paper, or any thing else, for coin, as a tender in payment of debts, and in discharge of contracts. Congress has exercised this power, fully, in both its branches. It has coined money, and still coins it; it has regulated the value of foreign coins, and still regulates their value. The legal tender, therefore, the constitutional standard of value, is established, and cannot be overthrown. To overthrow it, would shake the whole system.

I desire, sir, even at the expense of some repetition, to fix the attention of the Senate to this proposition, that Congress, having by the constitution authority to dispose of the public territory, has passed laws for the complete exercise of that power; laws which not only have

fixed the price of the public lands, the manner of sales, and the time of payment, but which have fixed, also, with equal precision, the medium, or kinds of money, or of other things, which shall be received in payment. It has neglected no part of this important trust; it has delegated no part of it; it has left no ground, not an inch, for executive interposition.

The only question, therefore, is, what is the law, or what was the law, when the Secretary issued his order?

The Secretary considers that that which has been uniformly done for twenty years, that is to say, the receiving of payment for the public lands in the bills of specie-paying banks, is against law. He calls it an "indulgence," and this "indulgence" the order proposes to continue for a limited time, and in favor of a particular class of purchasers. If this were an indulgence, and against law, one might well ask, how has it happened that it should have continued so long, especially through recent years, marked by such a spirit of thorough and searching reform? It might be asked too, if this be illegal, and an indulgence only, why continue it longer, and especially why continue it as to some, and refuse to continue it as to others?

But, sir, it is time to turn to the statute, and to see what the legal provision is. On the 30th of April, 1816, a resolution passed both Houses of Congress. It was in the common form of a joint resolution, and was approved by the President; and no one doubts, I suppose, that, for the purpose intended by it, it was as authentic and valid as a law in any other form. It provides that, "from and after the 20th day of February next, (1817,) no duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable in specie on demand, in the said legal currency of the United States."

This joint resolution authoritatively fixed the rights of parties paying, and the duties of officers receiving. So far as respects the notes of the Bank of the United States, it was altered by a law of the last session; but, in all other particulars, it is, as I suppose, in full force, at the present moment; and as it expressly authorizes the receipt of such bank notes as are payable and paid on demand, I cannot understand how the receipt of such notes is a matter of "indulgence." We may as well say that to be allowed to pay in Treasury notes, or in foreign coins, or, indeed, in our own gold and silver, is an indulgence, since the act places all on the same ground.

The honorable member from Missouri has, indeed, himself furnished a complete answer to the Secretary's idea; that is to say, he defends the order on grounds not only differing from, but totally inconsistent with, those as-

sumed by the Secretary. He does not consider the receipt of bank notes hitherto, or up to the time of issuing the order, as an indulgence, but as a lawful right while it lasted. How he proves this right to be now terminated, and terminated by force of the order, I shall consider presently. I only say now, that his argument entirely deprives the Secretary of the only ground assigned by him for the Treasury order.

I am, therefore, of opinion that the Treasury order of the 11th of July is against the plain words and meaning of the law of 1816; against the whole practice of the Government under that law; against the honorable gentleman's own opinion, as expressed in his resolution of the 23d of April; and not reconcilable with the necessity which was supposed to exist for the passage of the act of last session.

THURSDAY, December 22.

Treasury Circular.

The Senate resumed the consideration of Mr. EWING's resolution to rescind the Treasury order of July 11th, 1836, and to prohibit the Secretary of the Treasury from delegating his power to specify what kind of funds shall be received in payment for the public lands.

Mr. NILES said there were reasons, he thought weighty reasons, which would justify Senators in voting against this resolution, without committing themselves in any sense, or in any degree, in regard to the great questions of currency and revenue, to which the Senator had referred. Without reference to what might be his opinion as to the true policy of the Government in the collection of the revenue, whether from the public lands or the customs, he was prepared to vote against this resolution. To pass this resolution, would be to censure and condemn an act of the Executive as being wrong, *ab initio*, or at the time of its adoption. Whether the rule prescribed in the Treasury order be a wise and just one, for the settled action of the Government, is a question entirely distinct from that, whether it may have been expedient and proper at the time it was adopted. He was satisfied that the Treasury order could be justified, viewed as a temporary measure only, intended to remedy evils of great magnitude, arising from the extraordinary circumstances connected with the sales of the public lands; and he was not sure that this was not the true light in which it ought to be considered. It was the duty of the Executive to watch over the public revenue, and see that it was secure. Was there no hazard from the extensive and gambling speculations in the public lands paid for only in bank bills, which were handed over by the receivers to the deposit banks and placed to the credit of the United States? A large portion of the purchases were paid for in bills of the deposit banks, which, after going into the hands of the receivers, were returned and loaned out again, to go through the same operation. This was virtually reviv-

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ing the old credit system, as the United States received nothing but credit for the lands. If there was no hazard to the revenue from these practices, and from the magnitude and extent of the sales made upon this kind of credit, then gentlemen over the way had altered their opinions very much within the last six months. During the last session of Congress, we were repeatedly, and almost daily, told by those who now oppose the Treasury order, that the funds of the Government in the Western deposit banks were insecure, and that nothing but credit was received for the public lands. Can gentlemen have forgotten their often-repeated declarations on this subject? If so, they must be blessed with short memories. Again and again did Senators refer to the small amount of specie in those banks, and an impression was attempted to be made, that their specie funds were the only solid security for the large sums due the United States.

The order was calculated to correct, and, to a considerable extent, no doubt, has corrected, this evil. It insured something valuable for the lands, and that something valuable was transferred to the deposit banks, and formed a more solid basis for the Government credits.

The order was also calculated to check speculation in the public lands, which, in itself, was an evil of no small magnitude, transferring the best part of the national domain into the hands of heartless speculators, to the great injury of actual settlers, and the detriment of the whole country. Public opinion was rising up against it, and required that something should be done to arrest an evil of so extensive and serious a nature. What other or better measure could have been adopted, until Congress should convene, which might adopt such further legislation in regard to the sales of the lands as the public interests may require?

Sir, said Mr. N., there is another reason why I cannot vote for the resolution before the Senate. A new rule has been adopted in regard to the sale of the public lands, that has been in operation for a time and which has a tendency to check speculation. I would not repeal that rule, and open again the floodgates of speculation; certainly not until I know whether Congress will pass any act regulating the sale of the public lands. It is, I think, the duty of Congress to do this; the interest of the country requires it; public sentiment demands it; and it is strongly recommended by the President. If Congress suffer the session to pass off, without attempting to regulate the sale of the public lands so as to check speculation, they will neglect their duty to the country. Believing that there will be additional legislation on the subject, which may supersede the Treasury order, he was not at this time prepared to disturb it. Changes in any extensive business are always attended with some inconvenience, and should be avoided as much as possible. When it shall be settled that Congress will not alter the system, it may become

necessary to decide whether the rule prescribed in the order shall be maintained, or the old practice restored; and if we do any thing on this subject, our action should be more comprehensive; it should embrace the whole subject, and be settled by law what currency shall be received for the payment of the revenues, not only from the lands, but from customs, and all other dues. The doubt and uncertainty which hangs over this subject ought to be removed.

For these reasons, therefore, he should vote against rescinding the Treasury order, even if he was satisfied that the rule it prescribes was not one which it would be expedient and just to establish as a settled policy.

MONDAY, December 26.

The Expunging Resolution.

Mr. BENTON laid on the table a resolution to expunge from the journal of the Senate the resolution of March, 1834, censuring the conduct of the President for removing the deposits from the Bank of the United States, &c.; which was ordered to be printed. [The resolution is in the same words with the one on the same subject introduced by Mr. BENTON at the last session.]

TUESDAY, December 27.

Admission of Michigan.

A Message was received from the President of the United States, on the subject of the admission of Michigan into the Union, with documents, stating that Michigan had complied with the regulations of the conditional act of admission.

Mr. GRUNDY moved that the Message and documents be printed, and referred to the Committee on the Judiciary.

Mr. BENTON remarked that, as the President had given his opinion that Michigan had complied with the requisite terms of admission, and as he had said that he should have issued his proclamation accordingly, had the information arrived during the recess of Congress, he (Mr. B.) regarded the proposed reference as a mere matter of form, and would prefer that a joint resolution of admission should forthwith be passed by both Houses.

Mr. GRUNDY would still prefer the course which he had suggested, and on this account: that the first convention had not assented to the terms of admission, but another convention had decided to accede to the proposition made by the Congress of the United States. The great inquiry now was, are the proceedings in accordance with the act of admission? The decision of which question depends on information which ought to be ascertained before the actual admission, though the President had said that, in his opinion, all was right, and, if the information had come during the recess, he would have act-

ed accordingly. Mr. G. had no design to produce any delay, by a reference to a committee. He should not withdraw his motion, and he hoped the Senator would withdraw his opposition.

The Message was referred.

The Treasury Circular.

The Senate proceeded to the special order, the further consideration of the joint resolution introduced by Mr. EWING, of Ohio, on this subject, the question being on the amendment or substitute offered by Mr. RIVES to that resolution; which substitute proposes to refuse to receive for the public dues the bills of such banks as issued, after certain specified periods, bills under certain specified denominations; the substitute also leaving in the power of the deposit banks to refuse such funds as they may think proper.

Mr. HUBBARD addressed the Chair: Mr. President—The first resolution seeks to repeal the Treasury order—"the specie circular," as it is called—of the 11th of July, 1836. The second is intended to prohibit the Secretary of the Treasury, by his authorized agents, from directing what funds shall be received for customs, or for the public lands, and prohibiting him from making any discrimination in the funds so receivable between different individuals, or between the different branches of the public revenue. The main purpose of the resolution is to rescind the order of the Executive, bearing date on the 11th of July, 1836, directed to "receivers of public money and to the deposit banks."

Can this be accomplished? Is this matter within our power? It seems to me that if these resolutions should pass both Houses of Congress, the object which the Senator from Ohio has in view would not thereby be effected. If the order of the 11th of July, 1836, was issued by authority of law, the resolution of the Senator from Ohio should seek to repeal the law upon which the order is based, and which gave authority for issuing the order. If the order of the Secretary of the Treasury has not been issued in pursuance of law, the order itself is of no effect; and any resolution which we could pass, rescinding such an order, would be alike ineffectual.

If the Secretary had the legal power to send forth the order, it is beyond the legislative control of Congress. If the Secretary, or the President, through the Secretary, had the right to promulgate the circular, he may be answerable for the manner in which he exercises that right; but the act cannot itself be repealed by any legislation of Congress.

If the Secretary had not the authority, the power, the right to issue the order, then the order itself is perfectly nugatory.

The Executive is an independent branch of the Government. The Senate can have no more power over the rightful acts of that branch of the Government, than it has over an order

of the House of Representatives, or an order of the Judiciary.

One branch of the Government, exercising its powers and its duties within the constitution and the law, cannot have its acts rescinded and set at naught by the action of any other branch of the Government.

If the order, then, has been issued by the Secretary of the Treasury in pursuance of law, the mode proposed to get rid of it is objectionable, and, in my view, unwarrantable. If not issued in pursuance of law, the adoption of the resolution would seem to me equally objectionable and unwarrantable. In such a case, the officer should be, and ought to be, held amenable for such an assumption of power. It therefore occurs to me, that the object the Senator from Ohio has in view cannot be attained in the way proposed; and if the last resolution of the Senator from Ohio should be adopted, it seems to me that the direct effect would be to prohibit receivers from accepting the paper of local banks, under any circumstances, in payment of the public dues. It proposes, in terms, to take the power from the Secretary of the Treasury to designate the kind of money receivable; and, should it be adopted, if any effect shall be produced whatever, it will be to exclude from the offices of our receivers all local bank paper. They would be bound to take nothing but gold and silver, unless the joint resolution of April, 1816, is imperative and obligatory; and if that be so, the Executive had no authority to restrain the legal operation of that resolution; for, if binding, it gives to the debtor rights which cannot be infringed or taken away by executive power. If the order of July 11, 1836, was unauthorized, the resolution to rescind it would be unnecessary. Its adoption could not prevent the immediate promulgation of a similar order, in case the Executive, charged with the execution of the laws, should consider it to be his duty to do so. To accomplish the object the Senator from Ohio has in view, we must go beyond the order itself; we must go to the law on which that order was based, and in the execution of which it is presumed that the order in question was issued. To render the order of no effect, we must amend the law.

I propose, Mr. President, first to examine the question, whether the Executive had a legal authority to issue the order of the 11th of July, 1836; and, if he had the power, whether it was a matter of policy for him to exercise it at the time and under the circumstances he did.

Had the President, through the Secretary of the Treasury, the power to issue the order of the 11th of July last?

On this point I can entertain no doubt. It seems to my mind to be clear and free from difficulty; and so far from its being a wanton assumption of power, so far from its being illegal, it is a power in strict accordance with the requisitions of existing laws, and which the

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President, charged with their execution, was bound to issue if he considered the public interest demanded it.

I cannot, then, consider the order of the 11th July last as illegal—as against the material binding provisions of the resolution of the 30th April, 1816. I cannot regard the issuing of that order as any assumption of power on the part of the President. And, for aught I see, the order must stand, unless the President shall see fit himself to withdraw it; or unless Congress, by its own legislation, shall take away the foundation upon which that order rests—shall pass some law that shall render the order itself inoperative.

In reference to the policy and expediency of that measure, I am free to admit that a great diversity of opinion is entertained by different portions of the business community. The President says that he directed the issuing of the order with a view to the safety of the public funds, and to the interests of the people generally. No man, unless familiarly acquainted with the state and condition of the banks which had in deposit the public funds, the practices of those institutions with reference to the facilities furnished to the purchasers of the public domain, the amount of the actual sales of the public lands, and the means used in making these acquisitions from time to time, could determine the policy, expediency, or necessity, of such an order as that which was issued on the 11th of July last.

The reasons which induced the President to direct the issuing of the specie circular, are given in the circular, and in the Message, and in the report of the Secretary of the Treasury. It seems to me they were reasons in no way conflicting with the constitution or the law. Certainly some of the very reasons had been urged by gentlemen on the other side during the last session of Congress. To save the public domain from passing into the hands of speculators, to prevent an improper use of the public funds in deposit, to check the issues of overtrading banks, and to save the property of the nation, were among the reasons which induced the Executive to send forth the specie circular. And these very considerations were reiterated time and again on this floor in the course of the last session, in relation to the security and safety of the money of the nation then deposited in the State banks.

The President, then, was bound, if the reasons stated were founded in fact, to issue this order, which was to effect the very objects so much desired at the last session—the safety of the public funds, and the preservation of the public domain. The order could never have been issued from any political considerations—from any desire for individual popularity: every man must have known that its political effect would have been precisely that which has been produced. Higher considerations than a thirst for personal popularity, or for political distinction, must have prompted the President to have

issued this order. It was nothing less than a settled conviction that the public interest demanded the measure. He designed it as a mere temporary expedient; and it remains now for Congress to decide whether any thing, and, if any thing, what shall be done in relation to this matter.

I have nothing further to add, in answer to the charge made against the Secretary, for the course pursued by him in the execution of the deposit bill. I should not have troubled the Senate with any remarks, had I not wished to avail myself of this opportunity to speak of that measure. I gave my vote in favor of that bill, and I have reason to believe that that vote has received the decided sanction of the yeomanry of New Hampshire. The bill passed both Houses of Congress by unexampled majorities, and yet the minority in the Senate, as well as in the House of Representatives, comprise some of our most distinguished statesmen and purest patriots. The bill, as it passed, was most emphatically and most truly nothing more nor less than a bill for the regulation, deposit, and safe keeping of the common treasure of the whole country. There is no room for doubt, with respect to the character of that measure. The thirteenth section of that bill, among other things, provides that the States receiving their proportion of the surplus shall pledge their faith “to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the public Treasury.” Whatever may be the practical operation of this measure, it was regarded at the time in no other light than a bill to regulate the local banks having the public money in deposit, and to transfer from those banks portions of the common fund to places of greater security, the respective treasuries of the several States. I cannot believe that among those then belonging to the Senate, who gave to this bill their support, there was a single individual of the number, who would for a moment countenance the idea of taxing, directly or indirectly, the people for the purpose of distributing money to the people. I never could have yielded my assent to any such principle; and, in voting for the deposit bill, no Senator could believe that he was thereby yielding his assent to any such doctrine. I hold it to be subversive of the very foundation upon which rests our representative Government. Such a principle is opposed to the best and purest feelings of patriotism; to the letter, the spirit, the genius of our free institutions. I never could have given my vote for this bill as a distribution bill. This character has been most unjustly given to this measure here and elsewhere. The Senator from Mississippi is mistaken if he supposes that it is so understood by the great body of the people of the States. The legislative act of New Hampshire shows most clearly the sentiments of that State with reference to this measure. She has voted to receive her portion of the

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money; but the legislation of that State has most sacredly guarded the principal as rightfully belonging to the United States; that while she considers herself justly entitled to the beneficial use of her portion of the surplus, so long as it shall remain uncalled for, she holds the principal to be of right the property of the General Government. It is true that New Hampshire by her act will deposit her share of the fund among the several towns of that State for safe keeping. But the State possesses the power, by her distress warrants, to enforce collection at any time, against any town which should neglect or refuse to pay when demanded; and the pending act subjects the town to indictment, in case any part of the principal of the money therein deposited should be used for any purpose; and the court are required to impose on such a town a fine equal to the part of the principal thus appropriated, and to issue execution against any such a town, to be levied and collected in the usual mode. Thus had his own State managed in relation to this matter; and gentlemen may be assured that whenever occasion shall demand that any portion of this money should be returned to the National Treasury, for the use of the General Government, that State will promptly and properly comply with such a demand.

WEDNESDAY, December 28.

Unexpended Appropriations.

Mr. BENTON rose to move the printing of the document from the Treasury Department, which had been called for on his motion, and had come in a few days ago. It was a document showing the unexpended balances of appropriations which would remain in the Treasury on the 1st day of January next, the amount of each balance, the object to which it was applicable, and the date of the law by which the appropriation was made. It was the amplification and substantiation of that part of the President's Message at the commencement of the session, in which he said that these unexpended balances were estimated at \$14,636,062, exceeding by \$9,636,062 the amount which will be left in the deposit banks, and which are outstanding appropriations, to be met by reimbursements from the States, if the revenue fall short of meeting them; and that this large amount unexpended was the effect of the lateness of the period at which the appropriations had been made. This fourteen and a half millions has been called a surplus, for which the Government has no use; and it would seem that some States, acting on this idea, were for treating the deposit act as a distribution law, and using the money deposited with them, as if the Government in reality had no use for it. Nothing, he said, could be more erroneous than this idea. This fourteen and a half millions were not a surplus, but appropriated money—appropriated too late to be used this year, but

remaining applicable to its objects, under the act of 1795, for two full years after the year in which the appropriation was made. The document contains a detailed statement of each object, and in the list would be found objects belonging to every branch of the public service; and every State would find some objects near and dear to itself, and for which the State had been long soliciting. Among these objects were the branch mints in the South and in New Orleans, the custom-houses in Boston and New York, the Treasury and Patent Offices in this city, many fortifications, roads, and block-houses, west of Missouri and Arkansas, half a dozen Indian tribes, and among them the Cherokee treaty, on which alone the balance was \$4,245,000. This latter was a good specimen of the whole of these delayed appropriations, and illustrated the manner practised at the last session to create an unavoidable surplus. First, the ratification of the treaty was kept off to the last possible moment, and then all possible exertions made to defeat it; then the appropriation law under the treaty was kept off to the last possible moment, and then all possible efforts made to defeat it. Finally, on the 2d day of July, the appropriation passed; and then Mr. John Ross, a true coadjutor of the surplus party, went home to prevent the Indians from receiving the money; and succeeded; and so saved this four millions and a quarter for distribution, as a part of that unavoidable surplus for which the States are told, and even Georgia herself is told, the Federal Government has no use! Now, there was some use for this four and a quarter millions. The United States would have to raise it otherwise if she did not get it back from the States; for the compact with Georgia, made thirty-four years ago, and by which the United States obtained Alabama and Mississippi, will have to be carried into effect. And so of every object mentioned in the document. There were above two hundred of these objects, and money would have to be provided for carrying each of them into effect; for they were not of a nature to be abandoned; and this head of mine, (said Mr. B., putting his finger to his forehead,) this head of mine, as belonging to a member of the Finance Committee, was now occupied with this subject, and was considering how far duties could be reduced, and how far they would have to be kept up, and what tax otherwise unnecessary must be retained to supply the place of these fourteen and a half millions, if the deposit act is perverted by any of the States into a distribution law. Now, he wanted this fact carried home to the people of the States in such form that it could not be disputed. He would therefore move to have this document printed, and five copies sent to the Governor of each State, ten copies sent to each branch of the State Legislatures, and 1,000 extra copies be supplied to the Senate for its distribution.

Mr. CALHOUN rose to make a very few remarks on the very extraordinary motion of the

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Senator from Missouri, and to ask for the yeas and nays on the question. The sending out this paper in the manner proposed would make an erroneous impression on the minds of those to whom it would be sent, and would be an unusual departure from the ordinary practice of the Senate. Did not every Senator know that there was a large amount left in the Treasury, say five millions of dollars, by the deposit law of the last session, for the purpose of meeting these balances? Did not every Senator know that, by the report of the Secretary of the Treasury, there were three millions of dollars of these appropriations that would not be wanted, and were therefore transferred to the surplus fund in pursuance of a standing law? And was there not, besides, a large sum in the hands of the disbursing officers of the Government? He knew, Mr. C. said, that every exertion would be made in order to defeat the deposit bill at this session. He knew well that the battle was yet to be fought—a battle in which the people would be on one side, and the office-holders and office-seekers on the other.

Election of Chaplain.

The Senate proceeded to the election of a chaplain. The Rev. Mr. Goodman, having received 22 votes, was duly elected.

THURSDAY, December 29.

Admission of Michigan.

Mr. GRUNDY, from the Committee on the Judiciary, reported a bill for the admission of the State of Michigan into the Union; which was, by consent, read twice.

Mr. GRUNDY moved that the bill now receive its third reading; it was but short; the facts of the case were well known.

Mr. EWING objected to the bill's receiving its third reading at this time. It was far too important in its character to be hurried through the Senate.

Mr. CALHOUN joined in the objection. He had not looked much at the question involved in the bill, nor was he acquainted with the facts of the case; but, assuming them to be as had been stated in the President's Message, this was one of the very gravest questions ever submitted to the Senate. It was certainly one which required to be maturely considered, and carefully weighed. He wished more time for reflection: first, that he might more accurately ascertain what the facts were; and, secondly, that he might weigh them in his mind with the care they demanded. He presumed others were of like mind; and, with a view to ascertain the wishes of the Senate, he would move that the further consideration of the bill be postponed, and that it be made the order of the day for that day week.

Mr. GRUNDY did not object to allowing gentlemen a reasonable time, but thought the day

named too distant. There was one good reason why the bill should receive an earlier consideration: the distribution of the deposits was to take place soon after the 1st day of January next, and it was desirable, if the bill was to pass at all, that it passed early enough to admit the State of Michigan to receive, with her sisters of the confederacy, her due proportion of the public moneys; but if the whole subject was put off, as had been moved, the passage of the bill might be so far delayed as to render this impossible. This, surely, was a strong argument for as early an attention to the subject as possible. As to the facts of the case, they were detailed in the President's Message, and in the documents which had been reported with the bill: he was fully aware that they presented a case, in regard to which the judgments of gentlemen might widely differ; but the facts themselves were few, and might soon be told. In June last, Congress had passed a bill declaring that, on certain conditions therein set forth, the new State of Michigan should be received into the Union: one of which was, that certain boundary lines should be assigned to the State; and another, that a convention of the people of Michigan, convened for the express purpose, should express their assent to these conditions, and agree to come into the confederacy on the terms prescribed. The act contained no directions as to the manner in which such convention should be called. A convention was ordered by the Legislature of Michigan; which met, and concluded to reject the conditions of admission, and communicated such dissent to the President of the United States. On farther reflection, however, without any particular form of legislation, the people themselves had since spontaneously met in their primary assemblies, and called a second convention, by which body it had been agreed to accept the conditions of the law, and thus to enter the confederacy. It was since ascertained that from 5,000 to 6,000 votes for this latter convention had been cast for the same members who had formerly decided to refuse the terms of admission, and from 8,000 to 9,000 in favor of men of a different opinion. This, he believed, was about as correct a statement of the facts of the case as could be obtained by greater delay. The question was certainly open as to the validity of the acts of this latter convention, on which, no doubt, there would be a diversity of opinion; but as to the facts there could be no dispute. It would appear, on examination, that although a majority of the people of Michigan had, at the date of the first convention, been opposed to accepting the terms of admission, yet, at the time the last was held, an overflowing majority had been in favor of the measure. When these facts should be found and admitted to be as stated, Mr. G. should give his views as to what ought to be the consequence. But he was anxious that the law should be passed in time for Michigan to get her proportion of the public money. The

Secretary could not make the distribution on the first of the month, as all the returns would not then be in, but he might probably be in circumstances to do so within ten days thereafter.

Mr. CALHOUN said that no Senator was more anxious that the new State of Michigan should be received into the confederacy than himself, or could be more willing that she should obtain her due proportion of the public money placed in deposit with the several States. He desired to interpose no unnecessary delay, and would vary his motion so as to propose that this bill be made the order for Tuesday next. (Monday, he presumed, would scarcely be a business day, and many of the members might be absent.) According, however, to the statement given by the gentleman himself, there was at the bottom of this subject one of the gravest, the very gravest, questions which could be agitated; so grave, indeed, that important as he conceived the deposit act to be, he could almost prefer that their respective proportions of the surplus fund should be withheld from all the States, than that a bill like this should rashly be passed. He wished, he repeated it, more time for reflection.

Mr. MORRIS was one of the committee who had reported the bill, yet he did not concur in the preamble as reported. He did not, indeed, doubt that Michigan ought to be admitted into the Union, and should rejoice at her admission. But, as the chairman had correctly stated the act of Congress, providing for her admission, made it conditional, and required her previous assent to the condition, that assent was to be made known to the President of the United States. Now, the assent of the people of Michigan had not yet reached the President at the date of his last communication, and therefore Congress did not officially know the fact. The first question was, whether the Senate was competent to declare the act of the last convention a valid act. The law required that a convention should be called for the express object of expressing assent or dissent to the conditions of reception. Now, the Senate had learned from the President's Message that the people of Michigan had assembled in a convention called by their own Legislature, and had declared their dissent, and had communicated such dissent to the President. But, after this solemn act by a convention legally called, it seemed that there had another convention been gotten up without any authority of law, and on the acts of this body the present bill was founded. It involved questions of the highest magnitude. Mr. M. went on to express his opinion that the doings of the latter convention could be no guide for the legislation of Congress, who ought to act just as if no such body had ever met. He was of opinion that the third section of the admission law, which required the previous assent of the people of Michigan to conditions presented by Congress, was an imposition upon that people; but the correct mode would now

be to repeal that act and to receive the State at once. The whole law had proceeded on the hypothesis that there was an unsettled boundary line between Michigan and the State south of her; but, as one of the Senators of that State, he considered the question of boundary as fully settled. He was willing to admit Michigan, but not on grounds which were unfounded in fact. He gave notice that he should, when the bill came up for consideration, move to strike out the preamble; it was intended as a key to the bill; but it was calculated rather to mislead than to guide to the true principle on which the bill was founded. It was possible that, on further reflection, he might change his mind; but such were his present impressions.

Mr. GRUNDY said that the committee, when draughting the bill, had also taken under consideration that view of the subject presented by the Senator from Ohio; and if, on Monday, the Senate should concur in that view, no regard would be had in the bill to the late convention accepting the terms of admission, and thus the object of admission would be attained. But it was on this ground that Mr. G. preferred the preamble: that Michigan could then never claim, as a State, what Congress had thus decided against. And, as there was an inveterate controversy between Michigan and Ohio, he thought it the better way to bind Michigan, so that under no pretext could she set up a claim to a section of country belonging to Ohio. If the preamble should be stricken out, the subject would be more open to controversy than if it should be retained. Mr. G. believed that, by the preamble, Michigan would be estopped from coming forward and claiming anything. It was merely on this ground that he was in favor of retaining the preamble. But, to obviate objections, he was willing that the bill should be postponed, and made the order of the day for Monday next.

Mr. BUCHANAN was aware that the present was not the proper occasion to discuss the merits of the bill which had been reported: nor did he purpose to enter on its discussion; but, as other gentlemen had briefly stated their opinions on the subject, he should in like manner state what was his own view of the matter. He did not consider the subject of the bill as peculiarly grave or difficult, save as it was always a grave question whether a new State should be received into the Union. The language of the admission act, which had passed last year, was very plain to him, so much so, indeed, that he had expected the President would have issued his proclamation at once, without referring the question to Congress for decision. Mr. B. here quoted the act, and observed that it contained no provision requiring any legislative action on the part of Michigan, to authorize a convention of the people. It would have been improper that it should. He insisted it was perfectly competent for the people of that Territory to hold a convention spontaneously, without any application to the

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Legislature about the matter; and if they had done so, the only question was whether such convention had decided to accept the conditions of admission which Congress had (very properly, in his judgment) required. He believed it had: and the case was therefore very plain. He understood there had been more votes, by 2,000 on both sides, given in this latter than in the first convention; and no matter how many unsuccessful attempts had previously been made, if their consent had at last been given, there was an end of the matter; they were clearly entitled to admission. He should not enter on the argument, but merely threw out his opinion, which he should be ready, at the proper time, to enforce with what little power he might command.

Mr. EWING concurred with his colleague (Mr. MORRIS) in the opinion that the last convention held in Michigan was altogether illegal and unauthorized. He saw in it nothing which was entitled to be called a convention of the people. He was also opposed to the preamble of the bill. He had not examined the bill itself, and could not say what might be his opinion of it, should the preamble be stricken out; but how much soever it might operate as an estoppel to the new State of Michigan from ever hereafter mootng again the vexed question of her boundary line, he was not in favor of having that estoppel effected by what he considered a mere fiction. [Mr. E. quoted the admission act, to show the conditions of admission.] Now, did any one suppose that it was a fulfilment of this condition for the people to rise up in their primary assemblies, without legal organization or civil authority, and declare their assent to the conditions of admission? Was society thus to be reduced to its elements, and was it to act without social organization? The act of Congress had recognized no such principle; it had recognized the principle of social organization; and to hold the validity of the acts of such an assemblage as had come together under the name of a convention of the people, was, in his judgment, so strange as to amount almost to an absurdity. Interested or not, he thought, in all fairness, the estoppel effected by such an act of assent ought not to be accepted and held binding. It was based upon an act that was wholly void. It was said, indeed, that a majority of the people had voted; but where was the evidence of any regular social organization in the convention? What guarantee did Congress possess that it had been convened according to the forms of the constitution? Who voted? Who notified the people at large of the time and place of meeting? Did the people all consent to such time, and such place? It was, at least, not probable they did. The people of this country were in the habit of looking to some regular and recognized authority in all their proceedings. A, B, and C, in a particular county, declaring that they would meet to consider this public question, did not lay the basis of a convention. How had the election of

members of the convention been conducted? Who had been the judges of election? had they been sworn? if so, their oath must have been extrajudicial. And who had been permitted to vote? It had been said, there were two thousand more votes given on either side than in the first convention. That that number of votes had been counted he did not doubt; but where was the evidence that they had been given? No warrant, or qualifications of voters, had been alluded to. Mr. E. had no objection to the admission of Michigan, but let it be done regularly, and in a proper manner; and let nothing like trick be practised upon the people of the new State, by an estoppel improperly obtained against their claims.

Mr. MORRIS was very thankful for information that would show the ground on which the parties stood in the discussion. He understood the gentleman (Mr. BUCHANAN) thus: that all which was required of the people of Michigan was that they should choose a convention, and that such convention should assent to the act of admission. The gentleman even went further; if one convention had failed, the people might choose another, and so go on *ad infinitum*. This doctrine, Mr. M. thought, went directly to dissolve the whole elements of society, and to destroy all the obligations of law. It amounted to this: that if an act of Congress should be passed for the punishment of an offence, which act required a judicial investigation, the people might, notwithstanding, rise in an original assembly, and themselves inflict the punishment.

Again: if Michigan had adopted a constitution, it was bound to abide by that constitution. But this proposed act of Congress would give the people of Michigan the power to amend and add to that constitution. Mr. M. thought that doctrines of this kind ought not to be tolerated. And if such an original convention was proper, how was it to be created? Was one county to notify another, or one individual another? or how was it to be done? If the people of Michigan might act in this irregular way, then so might the people of any of the States, and all government and law would be thus already dissolved into their original elements, and the whole fabric of our institutions would be reduced to a shadow. And the fault would not be so much in the people of Michigan as in this proposed act of Congress. Mr. M. thought much mischief would follow the passage of the bill with such a preamble. It would be establishing by Congress the doctrine that we are not to be governed by law, but by popular frenzy. When the Legislature of Michigan passed the law authorizing a convention, was there any objection made to that law? But why pass the law, if the people might rise in an original convention? It was such a convention that at least accepted the terms of admission—a convention which, as the President had informed us, was got up without law; and the President had therefore not issued his proc-

lamation of admission. It seemed to Mr. M. that all this was a wide departure from the constitution and laws of the country; and he should, therefore, at the proper time, move to strike out the preamble.

Mr. BUCHANAN regretted that, in expressing a mere general opinion, he had unintentionally given rise to the present discussion. The Senator from Ohio, who had just taken his seat, had stated the ground he had taken in such strong terms, that Mr. B. supposed that if an angel from heaven should attempt to convince him of the contrary, he would labor in vain. That honorable Senator had discovered that he (Mr. B.) was a great latitudinarian; and that, if the principles he had stated should once be admitted, every thing would run to confusion. The people, it seemed, would rise, and not only legislate for themselves, but execute justice also!—(he presumed by Lynch law.) But he denied the justice of any such inferences from his doctrine. By what authority had the first convention been held? Not from any power given by the act of Congress to the Legislature of Michigan to pass a law calling a convention. Why, then, had such an act been passed? Clearly from the necessity of the case. Michigan had been acting as a sovereign State, and Congress had been treating with her touching her admission into the Union. It had been very proper in the Legislature to pass such a law; but the convention assembled under it had proved ineffectual. Congress had acted wisely in not requiring any act of the Legislature to give validity to the convention. The sovereign people of the State of Michigan had a right to do, in this matter, just what they should please to do. And even had the Legislature refused to pass a law calling a convention, the people would still have possessed the right to meet in their primary assemblies, and make their wishes known to the Legislature. He admitted that Congress should first be satisfied that the convention had acted in a regular manner, and had actually concurred in the conditions of admission. But, when this was provided, it was no longer a matter of favor to receive the new State. It was her right to come in. He should not go into the argument at this time; when the bill came up, he should be happy to meet the two Senators from Ohio in its discussion.

Mr. BENTON said it was impossible that any question could arise about the admission, on which every gentleman had not already made up his mind. The subject had already been four or five years before Congress. Mr. B. insisted that the question was a mere question of right—a right which existed four years ago, but which had been met at the threshold, and fought inch by inch, till, at the last session of Congress, the friends of the admission had determined to sit it out. The admission had been resisted in a manner unknown to the history of the country. And now it was to be put off till Monday, when the Senate had rather occa-

sion to sit at night in these short days; and the nights would be necessary for the discussion of this question. If all the questions brought forward should be discussed, they must begin with Adam, who had but one woman to govern, and enter into the history of original conventions. There was no necessity of postponing till Monday. All the time would be little enough for them to get rid of what was pent up within them almost to bursting on this subject. But if postponed, then, when Monday should come, Mr. B. would come and sit down in his chair, and would camp on this ground till Michigan should be admitted.

The discussion ended by making the bill the order of the day for Monday next.

MONDAY, January 2, 1837.

Mr. KING, of Alabama, presented the credentials of the Hon. JOHN MCKINLEY, elected by the Legislature of the State of Alabama, a Senator from that State, to serve for six years from the 4th of March next.

Mr. PRESTON appeared in his seat to-day.

Land Bill.

Mr. WALKER, from the committee to whom it was referred, reported Mr. CLAY's land bill, with an amendment, striking out the whole bill save the enacting clause, and substituting another which restricts the sales of the public lands to actual settlers, and to them in small quantities, accompanied with many guards against its being evaded by speculators.

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Mr. GRUNDY moved that the previous orders of the day be postponed, for the purpose of considering the bill to admit the State of Michigan into the Union.

Mr. CALHOUN was opposed to the motion; the documents accompanying the bill had but this morning been laid upon the tables, and no time had been allowed for even reading them over.

Mr. GRUNDY insisted on his motion. Of one point he was fully satisfied—that Michigan had a right to be received into the Union; on this, he presumed there would be but little difference of opinion, the chief difficulty having respect to the mode in which it was to be done. There seemed more difference of opinion, and he presumed there would be more debate, touching the preamble concerning the bill itself; but he could not consent to postpone the subject. Congress were daily passing laws the effect of which pressed immediately upon the people of Michigan, and concerning which they were entitled to have a voice and a vote upon this floor, and, therefore, the bill for their admission ought to receive the immediate action of the Senate. As to the documents, they were not numerous. The gentleman from South Carolina might readily run his eye over them, and he would perceive that the facts of the case were easily understood. Indeed, there was but

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one of any consequence, respecting which there was any controversy.

The orders were postponed, and the Senate proceeded to consider the bill, as follows:

A bill to admit the State of Michigan into the Union upon an equal footing with the original States.

Whereas, in pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan, as described, declared, and established, in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act: therefore,

Be it enacted, &c., That the State of Michigan shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Sec. 2. And be it further enacted, That the Secretary of the Treasury, in carrying into effect the thirteenth and fourteenth sections of the act of the twenty-third of June, eighteen hundred and thirty-six, entitled "An act to regulate the deposits of the public money," shall consider the State of Michigan as being one of the United States.

Mr. MORRIS moved to recommit the bill to the Committee on the Judiciary, with instructions to strike out the preamble.

Mr. CALHOUN addressed the Senate as follows:

To understand fully the objection to this bill, it is necessary that we should have a correct conception of the facts. They are few, and may be briefly told.

Some time previous to the last session of Congress, the Territory of Michigan, through its Legislature, authorized the people to meet in convention, for the purpose of forming a State Government. They met accordingly, and agreed upon a constitution, which they forthwith transmitted to Congress. It was fully discussed in this chamber, and, objectionable as the instrument was, an act was finally passed, which accepted the constitution, and declared Michigan to be a State, and admitted into the Union, on the single condition, that she should, by a convention of the people, assent to the boundaries prescribed by the act. Soon after our adjournment the Legislature of the State of Michigan (for she had been raised by our assent to the dignity of a State) called a convention of the people of the State, in conformity to the act, which met at the time appointed, at Ann Harbor. After full discussion, the convention withheld its assent, and formally transmitted the result to the President of the United States. This is the first part of the story. I will now give the sequel. Since then, during the last month, a self-constituted assembly met, professedly as a convention of the people of the State, but without the authority

of the State. This unauthorized and lawless assemblage assume the high function of giving the assent of the State of Michigan to the condition of admission, as prescribed in the act of Congress. They communicated their assent to the Executive of the United States, and he to the Senate. The Senate referred his Message to the Committee on the Judiciary, and that committee, on its own authority, reported this present bill for the admission of the State.

Such are the facts out of which grows the important question, had this self-constituted assembly the authority to assent for the State? Had they the authority to do what is implied in giving assent to the condition of admission? That assent introduces the State into the Union, and pledges in the most solemn manner to the constitutional compact which binds these States in one confederated body; imposes on her all its obligations, and confers on her all its benefits. Had this irregular, self-constituted assemblage the authority to perform these high and solemn acts of sovereignty in the name of the State of Michigan? She could only come in as a State, and none could act or speak for her without her express authority; and to assume the authority without her sanction is nothing short of treason against the State.

Again: the assent to the conditions prescribed by Congress implies an authority in those who gave it to supersede in part the constitution of the State of Michigan; for her constitution fixes the boundaries of the State as part of that instrument which the condition of admission entirely alters, and to that extent the assent would supersede the constitution; and thus the question is presented, whether this self-constituted assembly, styling itself a convention, had the authority to do an act which necessarily implies the right to supersede in part the constitution.

But further: The State of Michigan, through its Legislature, authorized a convention of the people, in order to determine whether the condition of admission should be assented to or not. The convention met; and, after mature deliberation, it dissented to the condition of admission; and thus again the question is presented, whether this self-called, self-constituted assemblage, this caucus—for it is entitled to no higher name—had the authority to annul the dissent of the State, solemnly given by a convention of the people, regularly convoked under the express authority of the constituted authorities of the State?

If all or any of these questions be answered in the negative—if the self-created assemblage of December had no authority to speak in the name of the State of Michigan—if none to supersede any portion of her constitution—if none to annul her dissent to the condition of admission regularly given by a convention of the people of the State, convoked by the authority of the State, to introduce her on its authority would be not only revolutionary and dangerous, but utterly repugnant to the princi-

ples of our constitution. The question then submitted to the Senate is, had that assemblage the authority to perform these high and solemn acts?

The chairman of the Committee on the Judiciary holds that this self-constituted assemblage had the authority; and what is his reason? Why, truly, because a greater number of votes were given for those who constituted that assemblage than for those who constituted the convention of the people of the State, convened under its constituted authorities. This argument resolves itself into two questions—the first of fact, and the second of principle. I shall not discuss the first. It is not necessary to do so. But if it were, it would be easy to show that never was so important a fact so loosely testified. There is not one particle of official evidence before us. We had nothing but the private letters of individuals, who do not know even the numbers that voted on either occasion; they know nothing of the qualifications of voters, nor how their votes were received, nor by whom counted. Now, none knows better than the honorable chairman himself, that such testimony as is submitted to us to establish a fact of this moment, would not be received in the lowest magistrate's court in the land. But I waive this. I come to the question of the principle involved; and what is it? The argument is, that a greater number of persons voted for the last convention than for the first, and therefore the acts of the last, of right, abrogated those of the first; in other words, that mere numbers, without regard to the forms of law or the principles of the constitution, give authority. The authority of numbers, according to this argument, sets aside the authority of law and the constitution. Need I show that such a principle goes to the entire overthrow of our constitutional Government, and would subvert all social order? It is the identical principle which prompted the late revolutionary and anarchical movement in Maryland, and which has done more to shake confidence in our system of government than any event since the adoption of our constitution, but which happily has been frowned down by the patriotism and intelligence of the people of that State.

What was the ground of this insurrectionary measure, but that the government of Maryland did not represent the voice of the numerical majority of the people of Maryland, and that the authority of law and constitution was nothing against that of numbers. Here we find, on this floor, and from the head of the Judiciary Committee, the same principle revived, and, if possible, in a worse form; for, in Maryland, the anarchists assumed that they were sustained by the numerical majority of the people of the State in their revolutionary movements; but the utmost the chairman can pretend to have is a mere plurality. The largest number of votes claimed for the self-created assemblage is 8,000; and no man will

undertake to say that this constitutes any thing like a majority of the voters of Michigan; and he claims the high authority which he does for it, not because it is a majority of the people of Michigan, but because it is a greater number than voted for the authorized convention of the people that refused to agree to the condition of admission. It may be shown by his own witness, that a majority of the voters of Michigan greatly exceed 8,000. Mr. Williams, the president of the self-created assemblage, stated that the population of that State amounted to nearly 200,000 persons. If so, there cannot be less than from 25,000 to 30,000 voters, considering how nearly universal the right of suffrage is under its constitution; and it thus appears that this irregular, self-constituted meeting did not represent the vote of one-third of the State; and yet, on a mere principle of plurality, we are to supersede the constitution of Michigan, and annul the act of a convention of the people regularly convened under the authority of the government of the State.

But, says the Senator from Pennsylvania, (Mr. BUCHANAN,) this assembly was not self-constituted. It met under the authority of an act of Congress; and that act had no reference to the State, but only to the people; and that the assemblage in December was just such a meeting as that act contemplated. It is not my intention to discuss the question whether the honorable Senator has given the true interpretation of the act, but, if it were, I could very easily show his interpretation to be erroneous; for, if such had been the intention of Congress, the act surely would have specified the time when the convention was to be held, who were to be the managers, who the voters, and would not have left it to individuals who might choose to assume the authority to determine all these important points. I might also readily show that the word "convention" of the people, as used in law or the constitution, always means a meeting of the people regularly convened by the constituted authority of the State, in their high sovereign capacity, and that it never means such an assemblage as the one in question. But I waive this; I take higher ground. If the act be, indeed, such as the Senator says it is, then I maintain that it is utterly opposed to the fundamental principles of our federal Union. Congress has no right whatever to call a convention in a State. It can call but one convention, and that is a convention of the people of the United States to amend the federal constitution; nor can it call that, except authorized by two-thirds of the States.

Ours is a federal republic—a union of States. Michigan is a State—a State in the course of admission—and differing only from the other States in her federal relations. She is declared to be a State in the most solemn manner by your own act. She can come into the Union only as a State, and by her voluntary assent, given by the people of the State in convention, called by the constituted authority of the State.

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To admit the State of Michigan, on the authority of a self-created meeting, or one called by the direct authority of Congress, passing by the authorities of the State, would be the most monstrous proceeding under our constitution that can be conceived; the most repugnant to its principles, and dangerous in its consequences. It would establish a direct relation between the individual citizens of a State and the General Government, in utter subversion of the federal character of our system. The relation of the citizens to this Government is through the States exclusively. They are subject to its authority and laws only because the State has assented they should be. If she dissents, their assent is nothing; and, on the other hand, if she assents, their dissent is nothing. It is through the State, then, and through the State alone, that the United States Government can have any connection with the people of a State; and does not, then, the Senator from Pennsylvania see, that if Congress can authorize a convention of the people in the State of Michigan, without the authority of the State, it matters not what is the object, it may in like manner authorize conventions in any other State, for whatever purpose it may think proper?

Michigan is as much a sovereign State as any other; differing only, as I have said, as to her federal relations. If we give our sanction to the assemblage of December, on the principle laid down by the Senator from Pennsylvania, then we establish the doctrine that Congress has power to call at pleasure conventions within the States. Is there a Senator on this floor who will assent to such a doctrine? Is there one, especially, who represents the smaller States of this Union, or the weaker section? Admit the power, and every vestige of State rights would be destroyed. Our system would be subverted, and, instead of a confederacy of free and sovereign States, we would have all power concentrated here, and this would become the most odious despotism. He, indeed, must be blind, who does not see that such a power would give the Federal Government a complete control of all the States. I call upon Senators now to arrest a doctrine so dangerous. Let it be remembered that, under our system, bad precedents live forever; good ones only perish. We may not feel all the evil consequences at once, but this precedent, once set, will surely be received, and will become the instrument of infinite evil.

It will be asked, what shall be done? Will you refuse to admit Michigan into the Union? I answer, no; I desire to admit her; and if the Senators from Indiana and Ohio will agree, I am ready now to admit her as she stood at the beginning of last session, without giving sanction to the unauthorized assemblage of December.

But if that does not meet their wishes, there is still another by which she may be admitted. We are told that two-thirds of the Legislature and people of Michigan are in favor of accept-

ing the conditions of the act of last session. If that be the fact, then all that is necessary is, that the Legislature should call another convention. All difficulty will thus be removed, and there will be still abundant time for her admission at this session. And shall we, for the sake of gaining a few months, give our assent to a bill fraught with principles so monstrous as this?

We have been told, that unless she is admitted immediately, it will be too late for her to receive her proportion of the surplus revenue under the deposit bill. I trust that on so great a question a difficulty like this will have no weight. Give her at once her full share. I am ready to do so at once, without waiting her admission. I was mortified to hear on so grave a question such motives assigned for her admission, contrary to the law and constitution. Such considerations ought not to be presented when we are settling great constitutional principles. I trust that we shall pass by all such frivolous motives on this occasion, and take ground on the great and fundamental principle that an informal, irregular, self-constituted assembly, a mere caucus, has no authority to speak for a sovereign State in any case whatever; to supersede its constitution, or to reverse its dissent deliberately given by a convention of the people of the State, regularly convened under its constituted authority.

Mr. GRUNDY confessed that he could not see any thing in the whole proceedings calculated to excite alarm. The Senator (Mr. CALHOUN) had told the Senate that a proceeding in Maryland had excited more apprehension in regard to our institutions than any thing that had occurred since the establishment of our Government. Now, that was the gentleman's opinion; but he (Mr. G.) had seen the time when there was felt more solicitude with respect to the stability of our Union than what had recently happened in Maryland, or in the proceedings which had been adopted in Michigan. In order to determine the question before the Senate, it might be as well to take a short review of the facts and circumstances connected with it.

By the ordinance of 1787 it was provided that this Territory, and all portions of the territory ceded by the State of Virginia north-west of the Ohio, should be admitted as a State, not by conventions called for the purpose of ratifying a proposal made by Congress, but upon the fair condition that when their population should have amounted to a certain number. Michigan, at the time she first applied to be admitted into the Union, possessed a population of one-third more than was required by the ordinance of 1787. But he should state that, before asking for admission, as she had a right to do, she called a convention, and framed a constitution. The General Government had at that time a right (without prescribing the terms to be found in the act of the 2d March, 1836) to receive her into the Union. But what did Congress do? Did they comply with her re-

quest, or with the terms of the ordinance? No. Congress prescribed different provisions from any to be found in the ordinance. Now, according to the view he took of the subject, this sovereign and independent State, having the same right to be represented on that floor as South Carolina or Tennessee, has been for a long time kept knocking at the doors of Congress, and still they were shut against them. He would, having said this much, say nothing further on this part of the subject.

At the last session, and for some sessions previous to that, a very serious controversy had arisen between the State of Ohio and the Territory of Michigan. What, he asked, did Congress do, in its great desire to see tranquillity and harmony restored between them? It passed the act of 1836. And yet the Senator from Ohio (Mr. EWING) now wanted to see no such provision as that contained in the act of 1836, and which he (Mr. GRUNDY) believed to have been placed there by the committee in the proper discharge of their duty, and which he thought commendable in them.

[Mr. EWING explained. I contended for the third section. I thought it of no importance then, nor do I now.]

Mr. GRUNDY resumed. He was speaking of the Senator's exertions in regard to another bill, or other bills, which were introduced to fix the northern boundary of the State of Ohio; and before that was accomplished Senators insisted that Michigan could not be admitted into the Union. Well, what was the objection now to her admission? None that he could see. But when the Senate came to pass this act of admission, they put in this section:

"That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described declared, and established, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required," &c.

Now, that was the provision to which this preamble has a reference. Did that section say that the Legislative Assembly of Michigan should call a convention to decide on the subject? Not a word did it contain to that effect. Did the constitution of Michigan authorize the calling of a convention on the part of the Legislature? Not a word did the constitution contain on the subject? But the Legislature did call a convention, and they refused to assent to the conditions contained in the act of Congress.

Now, to judge that Congress did not intend putting a legal construction on the section, that the intervention of the Legislature should be necessary, let him suppose that the Legislature should refuse to act, and consequently call no convention, and the people of Michigan had risen up *una voca*, and given their assent to the meeting in convention, would gentlemen have said "the convention must be called by the Leg-

islature?" Now, this was the consent of the people of Michigan—of the population entitled to vote, residing there. And shall the Legislature of that State have the power to refuse or grant that which the people may demand on so important a subject as this? It seemed to him it ought not to be required; and, therefore, the conclusion he drew from the question was, that the people have a right to convoke their assemblies, the delegates from which have a right to meet in convention, and there, if they deem proper, ratify the conditions prescribed by Congress. If he were right in that conclusion, then the preamble was correct; and if wrong, it ought to be struck out. He felt no concern in regard to this branch of the subject at all. He was free to admit that, without the preamble, he was ready to vote for the bill. But for the third section of the act of 1836, let him tell the Senate, Michigan would have been represented here, and in the other House, long ago. Well, now the people have been called upon in their primary capacity, and have given their assent to the conditions of Congress, why should the Senate cause further delay in admitting her? The Senator from South Carolina had said it would not take long to have another convention. He (Mr. G.) admitted it; but every moment did her injury. Senators were, by delay, violating a greater principle than that of which the gentleman had spoken. It was a greater infraction of principle than any known to free government.

He admitted, with the Senator from South Carolina, that the testimony establishing the fact of the assent of the people of Michigan was of great importance, and in this case not according to the strict rules of legality; yet the testimony was of such a character that Legislatures would not refuse to act upon it, although courts of justice would reject it, because not duly accredited by the oaths of witnesses. But did not Senators do daily many acts upon testimony not on oath, but for which the statements of men of high standing, honor, and honesty, guaranteed their truth?

What, he asked, was the amount of the testimony produced? Why, that between five and six thousand votes were given at the election of members for the convention in September last, and that from eight to nine thousand were given for the delegates who formed the convention in December. What was the object in calling upon the people of Michigan? It was to know whether they were willing to come into the Union on the terms prescribed by the act of the 2d of March, 1836. They have answered, and given their assent. In one county there was given at the first election for the delegates who were elected, 180 votes of a majority. These delegates constituted the majority in the first convention; and by their votes the assent of Michigan was refused. At the first election, about 1,700 votes were cast, including both parties. At the last election, 1,900 votes were given in favor of the assenting party alone. The whole

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thing was changed, and must have been changed by the revolution of opinion.

Without going further into the subject, he wanted the Senator from South Carolina to inform the Senate how he would do justice to the people of Michigan; and, further, how the passage of the bill was to be obtained in any form. Would he send the people back again to a convention? The delay was unnecessary, and objections would be made of a similar character. Why should the Senator not vote for the bill, the preamble being struck out. What difficulty was there in it? For his (Mr. G.'s) part, he could not see any. He contended that there was nothing of a political character in this matter, either on one side or the other; therefore, it was fairly on principle that a difference of opinion could be said to exist. In answer to the inquiry of the Senator from South Carolina, "Can Congress call a convention in a State?" he answered, "No!" nor did it in this instance; neither does the preamble or bill give such a power, nor imply it. He would conclude his remarks by merely declaring that, whether the preamble should be stricken from the bill or not, he would vote for it.

TUESDAY, January 3.

The Senate resumed the consideration of the bill declaring the admission into the Union of

The State of Michigan.

The question pending was on a motion made yesterday by Mr. MORRIS to strike out the preamble of the bill. This motion Mr. M. now varied, by moving an amendment to the preamble, (recapitulating the proceedings in Michigan under the act of the last session of Congress for the admission of the State,) which modification he was desirous of trying before the question should be taken on striking out the preamble.

Mr. EWING, of Ohio, said: To the bill now before the Senate I have no other objection than that which I stated at the last session, viz: that I feel reluctant to admit a new State into the Union, unless she come in regularly, in accordance with a law of Congress previously enacted.

But I waived this objection in the case of Arkansas, because a precedent had been set by the admission of Michigan at the last session. Still, however, I think it wrong; the practice is loose, irregular, and calculated to lead to bad consequences. And I think it proper to say that in the present question, in any of its forms, the State of Ohio has no interest whatever; none in the preamble, none in the bill itself, save that interest which she shares in common with all the other members of the confederacy; and, in voting on this question, I shall vote precisely as if Ohio were the most distant State in the Union from Michigan, instead of being separated from it only by a boundary line, which line was once disputed.

On this subject my colleague and myself entirely concur. Indeed, we have from the first differed but little in our opinion as to the controversy lately pending between our State and Michigan; but we here concur entirely as to the effect of this preamble upon her, and we may fairly assume that we speak the opinion and feelings of the State on that point. We hold this preamble untrue in fact, and of most dangerous tendency. Our State, for whose benefit gentlemen profess to have inserted it, has no interest in the thing. She does not ask for it; and if she had an interest, no matter how deep and vital, she would not consent that that interest should be subserved by stating, in a solemn act of legislation, that which is untrue.

Permit me to reiterate that there exists at this moment no controversy whatever between Ohio and Michigan, nor does there exist, at least on the part of the citizens of Ohio, the slightest feeling of enmity toward their neighboring fellow-citizens. There is no such feeling there; and I well know there is none here. The controversy which once agitated and excited them is now settled. Congress, by its act, has assented to the boundary claimed by Ohio in 1803, before Michigan was erected into a Territory; and unless the act of 1805 is irrevocable, there can never again be any controversy between Ohio and Michigan on the question of boundary. If it is pronounced irrevocable, then it is not in the power of Congress to modify or touch it, and the boundary therein specified will be declared by the Supreme Court to be the true boundary. But if that act is not irrevocable, we are so affected by it that it never can be revived against Ohio.

But I said the preamble to this bill asserts what is not a fact. I shall endeavor to make that position good. What is its language?

"Whereas, in pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled 'An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed,' a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan, as described, declared, and established, in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act: therefore"—

Now, I take it that, in the insertion of this preamble, the Judiciary Committee meant to declare that the convention referred to was a legal convention; that it was such a convention as is contemplated in the act of Congress for the admission of Michigan into the Union; that it was a convention according to law. This is the fact asserted in the preamble, and this I controvert.

The evidence is well condensed in the recital which my colleague offered as an amendment to the preamble, and we have it more at large from the President, in his official communica-

tion now on our tables. From this it appears that a convention, called by an act of the Legislature of Michigan, did assemble, and, after deliberation, did refuse to enter the Union under the conditions of the act of Congress, and that their dissent was forwarded to the Executive. Now, it is said by the honorable Senator from Pennsylvania, (Mr. BUCHANAN,) this convention was not held according to the act of Congress; that Congress directed the people to meet; and that no reference was had in the act to the interposition of the Legislature of Michigan; but that a subsequent convention, which, it is said, afterwards assembled, alone satisfied the law. The question, then, is between the two conventions. If the first was legal, the last was not. If the first was not legal, then we may inquire into the legality of the second. Now, let me put one question to that honorable Senator; I ask him whether, had the first convention, instead of rejecting, accepted the conditions contained in the act of Congress, would he, in that case, have held that assent illegal? Would he then have said that it was a convention not held according to the act of Congress? I would almost venture to say that he would not; I rather think the convention would have passed pretty well. But if so, what has altered the matter? If that was a proper mode of calling a convention which assented, why was it not a proper mode of calling a convention which refused its assent? But after the convention assembled by the Legislature of the State of Michigan (for our act did recognize her as a State, though I think very improperly) had dissented, no attempt whatever was made by the constituted authorities of the State to bring together another; none whatever. But an assemblage of the people, in meetings which are familiarly denominated caucuses, was held in some of the counties, and mutually agreed to call a new convention. Committees get together, and, after consultation, publish a time and place at which it is to assemble. The whole matter was utterly unauthorized, save by party organization, and was the effect of such organization. Will any man dispute it? Will any man pretend that this latter convention was the effect of a simultaneous and spontaneous impulse of the whole people of Michigan? Is there any, the least proof of such being the fact? The convention originated in county calls; and all the counties but two joined in the plan, and held elections for delegates. What evidence is there of any regularity in these elections?

Let us look at the papers. We have, to be sure, the act of the convention itself, giving the assent of the State to the act of admission, and which was transmitted to the President of the United States. And we have the certificate of General Williams, said to have been the presiding officer of the convention, and the names of the delegates. But there is not any official act or signature of any officer known to the laws either of Michigan or of the United States; not

the slightest proof of their election or qualification. That paper, containing the assent of Michigan in a matter so important, is not at all authenticated. Where do you find the law according to which it was conducted? There is none. It rests on nothing. There was a meeting of certain individuals held at a place called, I believe, Ann Arbor; and we have certain resolutions of theirs, which are to avail against the doings of a convention held in pursuance of a law of the State, and all whose acts are fully and legally authenticated. I cannot recognize such a paper. I must do violence to my own judgment, should I receive it. Even the chairman of the Judiciary Committee could not do it. He called upon the Senators elect (and whose admission here is to follow the passage of the bill) to say that every thing at this self-styled convention was well and duly conducted; and they do say so, and give the private letters of certain individuals to that effect. And they give, further—and that I understand to be the evidence principally relied on—an article from a Detroit newspaper, stating that such an election was had, such convention held, 3,000 more votes were given for the delegates to this last convention than for those who constituted the first convention. This, sir, is the evidence to support an organic law of a new State about to enter the Union! Yes, of an organic law, the very highest act a community of men can perform. Letters, referring to other letters! and a scrap of a newspaper!

I am not satisfied that the Government of my country, or of any portion of it, should stand on such a foundation. I am not willing that an organic law of a sovereign State should be thus made and thus authenticated.

But supposing that all the counties of Michigan did agree to the proposal, and did send delegates to this last convention, and we had the returns of the elections; yet who, I ask, presided at the polls? Who determined what votes should be received? How many votes was each man who favored the object permitted to give? Who voted? Was it the qualified electors, or was it all the men, women, and children, of Michigan and its vicinity?

Mr. BUCHANAN said: Mr. President, judging from the remarks of the Senator from South Carolina, (Mr. CALHOUN,) this would seem to be a question big with the fate of the constitution and the country. According to him, the adoption of the preamble to the bill admitting Michigan into the Union, as it was reported by the Committee on the Judiciary, would entail upon us evils as numerous and as deadly as those contained in Pandora's box, whilst hope would not even remain. After depicting in melancholy colors the cruel destiny of our country, should this precedent be established, he concludes by saying, that in such an event this Government would become "one of the most odious and despotic Governments that ever existed on the face of the earth."

I presume it is attributable to my colder tem-

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perament that I feel none of these terrors. In my opinion, they spring altogether from the Senator's ardent imagination and creative genius. Since I came into public life, I have known the country to be ruined at least twenty times, in the opinion of gentlemen; yet it would seem that the more we are thus ruined, the more we flourish. Experience has taught me to pay little attention to these doleful predictions.

The best answer which can be given to the Senator is to come at once to the question. To state it in its plain and simple character will at once dissipate every fear. Its decision will be attended with but little difficulty, because it involves no new principles; and as to its importance as a precedent, we shall probably never hear of it again, after the admission of Michigan into the Union.

What, then, is the question? On this subject our memories would seem to be strangely in fault. We cannot recollect from one session to the other. I wish to recall the attention of Senators to the fact. It was deemed of great importance at the last session to obtain the consent of Michigan to the settlement of the boundary between her and Ohio. To accomplish this purpose was then of so much consequence, in our opinion, that we offered to Michigan a large territory on her northern boundary, as a compensation for what she should yield to Ohio on the south; and we made her acceptance of this offer a condition precedent of her admission into the Union. We then believed, and I still believe, that this was the only mode of settling forever the disputed boundary between Ohio and Michigan, which has already involved us in so many difficulties, threatening bloodshed and civil war on that frontier. This was then deemed the only mode of obtaining an absolute relinquishment of all claim, on the part of the people of Michigan, to the territory in dispute with Ohio. It became my duty at the last session to investigate this subject thoroughly; and I had many conferences upon it with the then chairman of the Judiciary Committee, (Mr. CLAYTON)—a man of as clear a head and as honest a heart as ever adorned this chamber. I am happy to state that, although we concurred in opinion that Michigan had no right to this territory under the compact of 1787, yet we also believed that the only mode of putting the question at rest forever was to obtain her own solemn recognition of the right of Ohio. For this very purpose, the third section was inserted in the act of the last session, declaring "that, as a compliance with the fundamental condition of admission" into the Union, the boundaries of the State of Michigan, as we then established them, "shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required."

Shall we now, after Michigan has given this assent in the terms prescribed, release her from this obligation? Shall we now strike out the

preamble by which we recognize the validity and binding effect of the assent given by the last convention of delegates, and thus throw the boundary question again open? Shall we undo all we have done with so much care at the last session, and admit Michigan into the Union as though we had never required from her any assent to this condition? I trust not. And here permit me to express my astonishment that the Senators from Ohio should both advocate this course. I have no right to judge for them, but it does seem to me they are willing to abandon the only security which we have against a repetition of the scenes which we have already witnessed on the frontiers of Ohio and Michigan.

To show that my fears are not vain, let me present the state in which this question will be placed, in case we do not adopt the preamble. I think I may assert, with perfect safety, that there are ninety-nine citizens of Michigan out of every hundred who firmly believe that the ordinance of 1787 fixes irrevocably the southern boundary of that State. If this were its correct construction, it will not be denied by any that no human power can change it without the consent of the people of Michigan. This ordinance, which is confirmed by the Constitution of the United States, to use its own language, is a compact between the original States and the people and States in the said Territory, and must forever remain unalterable, unless by common consent. Hence the vast importance of obtaining the consent of Michigan to the proposed change in her boundary. The language of the ordinance under which she claims the disputed territory is as follows: "Provided, however, and it is further understood and declared, that the boundaries of these three States (Ohio, Indiana, and Illinois) shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." Michigan contends that Congress having determined to form two States north of this line, the ordinance makes it irrevocably her southern boundary. Some of the most distinguished men in the country, we know, are of this opinion. Can any Senator, therefore, believe for a moment that, if we now leave this question unsettled, it will never be tried by Michigan? Can we believe that she will acquiesce in a decision of Congress which a vast majority of her people believe to have been unjust? Release her from the assent which she has given to the settlement of this question, and then it remains as open as it ever was. The point, then, to be decided is, whether the ordinance does fix her southern boundary or not. Admitting it did, it is manifest that the act of Congress repealing it, and giving the territory in dispute to Ohio, would be a violation of its provisions, and thus become a dead letter.

Yes, sir, the consent of Michigan is all-important to the peace and quiet of the Union; and now, when we have obtained it, shall we cast it away by rejecting this preamble? That is the question which I shall now proceed to discuss.

Why, then, should we reject this preamble, which will forever terminate the dispute between these two States? Because, says the Senator from South Carolina, (Mr. CALHOUN,) this convention of delegates, elected by the people of Michigan, was not authorized by a previous act of their State Legislature, and therefore their proceedings are a nullity. It is revolutionary, it is dangerous in itself to our rights and liberties, and still more dangerous as a precedent for future cases. If this be true, the people of Michigan are in a most unfortunate position. At the last session of Congress, if we had attempted to insert in the bill a provision to make the previous act of the Legislature necessary, it would then have been opposed as a revolutionary measure. It would have been demonstrated by Senators that the Legislature of Michigan was an unauthorized assembly, possessing no legitimate powers; that it was a body which we had never recognized; and, therefore, we could refer nothing to its decision. In making these assertions, I speak from the record.

It appears from the journals that, on the 26th of January last, the Vice President communicated to the Senate "the memorial of the Senate and House of Representatives of the State of Michigan," on the subject of their right to be admitted into the Union. On the motion of Mr. Hendricks, this memorial was referred, accompanied by a declaration "that the Senate regard the same in no other light than as the voluntary act of private individuals." Mr. Ruggles moved to strike out this declaration; and, on the yeas and nays, his motion was rejected by a vote of 30 to 12. Thus the Senate then solemnly determined that the Legislature of Michigan was a mere assembly of private individuals; and yet now we are told by the Senator from South Carolina, (Mr. CALHOUN,) that, because this very Legislature did not pass an act to authorize the holding of the convention, all its proceedings are void and revolutionary. How will he reconcile this inconsistency? Truly, the people of Michigan are in a deplorable condition. They cannot avoid the whirlpool of Scylla without being engulfed in Charybdis. At the last session, their Legislature was a mere lawless assembly; but now they are so omnipotent that the sovereign people of the State cannot elect delegates to a convention without their previous authority. Let us proceed one step further with our evidence from the record. The bill for the admission of Michigan into the Union, when first reported by the committee, provided that the assent to the boundaries of the State, required by the third section, should be given by their Senators and Representative in Congress, and by the Legislature of the State. I speak from memory,

but I feel confident I am correct. It would have been a vain attempt to support this provision in the face of the vote of the Senate to which I have referred. What, sir, refer to a body whom we had solemnly declared was composed merely of private individuals the question of assent to a condition for the purpose of binding the sovereign people of Michigan! This would have been as absurd as it was inconsistent. We should then have been told that there was no mode of escaping this difficulty but by at once dispensing with every intermediate agency, and referring the question directly to the original source of power, the people of Michigan in their primary capacity. This was done, and that, too, by a unanimous vote of the Senate. On the 1st of April last, Mr. Wright moved to strike out the provision to which I have referred, and to insert in its stead that the assent required should be given by "a convention of delegates elected by the people of the said State for the sole purpose of giving the assent herein required." Every Senator then in his place voted for this amendment, and by his vote decided that it was proper to submit the question to delegates elected by the people in their primary capacity. It was thus unanimously incorporated into the law.

How does the Senator from South Carolina (Mr. CALHOUN) now attempt to evade the force of this argument? He cannot contend that the act of Congress refers to any action of the State Legislature as being necessary to the call of this convention. If he did, the act itself would stare him full in the face.

[Mr. CALHOUN here explained. He said he would not here argue the question whether Congress meant to make a previous act of the State Legislature necessary; but if it did not, the act of Congress would itself be unconstitutional, because we had recognized Michigan as a State, and Congress have no right to call a convention in a State.]

Mr. BRIDGEMAN resumed. I did not misunderstand the Senator. He contended that the act of Congress calling such a convention was unconstitutional; and to establish his proposition he said that Congress, under the federal constitution, could only call a convention upon the application of the Legislatures of two-thirds of the several States.

Does the Senator mean seriously to contend that the mere proposition made by Congress to the people of Michigan, for the purpose of obtaining their assent to a change of boundary, is a convention called under the authority of Congress within a State? Such an argument would be a perversion of terms. If you make propositions to any foreign power, and suggest that their willingness to accept them may be ascertained by a convention of delegates elected by the people, how can this be construed into a convention called by your own sovereign authority? No, sir; this was a mere offer, on the part of the Government of the United States, to make a bargain with the people of

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Michigan. It presupposes a perfect equality, in this respect, between the parties. They had the same right to refuse that we had to offer. They may voluntarily consent to your terms, as they have done in this case, and then it becomes a contract which cannot afterwards be violated; but if they had dissented, the negotiation would have been at an end. This is what the Senator denominates a convention called by Congress within the limits of the State of Michigan. Surely no further argument on this point of the case can be necessary.

Congress might have proposed to Michigan that the question should be decided at the polls, by a vote of the people. It was better, however, to submit it to a convention of delegates, because they could deliberate. This was emphatically to be the act of the people in their sovereign capacity. It was a question whether they should be received as a member into our great family of nations upon the terms which we had proposed. It was to be the establishment of new political relations of the most important character, affecting them and their children for many generations. It was a question over which, under their own constitution, their servants, the members of the Legislature, had no control. To what other tribunal could we so properly have referred this question, as to that of a convention of delegates elected by the people?

There can, then, be no objection to the act of Congress, unless it be that the people are not competent, in the very nature of things, to give the assent required, without the intervention of the Legislature. But this would be to condemn the conduct of our ancestors. It would be at war with the most glorious events of our own history. Besides, the very conduct of the people of Michigan, upon this occasion, disproves the position. There was no tumultuous and lawless rising up of the people against a settled form of government, as one might suppose, judging from the arguments upon this floor.

They conducted the election with regularity and order, according to the established laws and usages of the State.

Hear what General Williams, the president of the convention, says upon the subject, in his communication to the President of the United States: "The convention," says he, "originated through primary meetings of the citizens of the several counties, in ample time to afford notice to the whole State. Pursuant thereto, the elections, kept open for two days, on the 5th and 6th instant, (December,) have been held in all the counties except Monroe and Macomb. These elections were fair and open, and conducted in all respects as our other elections, and the returns made to the county boards, and canvassed as prescribed by the laws of the late Territory of Michigan in similar cases. The result has been a decided expression of the voice of a majority of the people, approbatory of the resolution enclosed."

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Is there any doubt of this "decided expression of the voice of the majority of the people?" Can any Senator upon this floor question it? Has there been a single memorial, or even a single private letter produced, calling it in question? Nay, more: has a single voice been raised in Michigan against entering the Union on the terms proposed? Not one, to our knowledge.

If it were necessary to place the claims of Michigan upon other grounds, it might be done with great force. Suppose we were to admit that their proceedings had been irregular, ought that to exclude her from the Union? On this subject we ought to act like statesmen acquainted with the history of our own country. We ought not to apply the rigid rules of abstract political science too rigorously to such cases. It has been our practice heretofore to treat our infant Territories with paternal care, to nurse them with kindness, and, when they had attained the age of manhood, to admit them into the family without requiring from them a rigid adherence to forms. The great questions to be decided are, do they contain a sufficient population? have they adopted a republican constitution? and are they willing to enter the Union upon the terms which we propose? If so, all the preliminary proceedings have been considered but mere forms, which we have waived in repeated instances. They are but the scaffolding of the building, which is of no further use after the edifice is complete. We have pursued this course in regard to Tennessee, to Arkansas, and even to Michigan. No Senator will pretend that their Territorial Legislatures had any right whatever to pass laws enabling the people to elect delegates to a convention for the purpose of forming a State constitution. It was an act of usurpation on their part. And yet we have in all these instances waived this objection, and approved the constitution thus formed. We have admitted Tennessee and Arkansas into the Union, notwithstanding this objection; and I trust we shall pursue a similar course towards Michigan, especially as there can be no doubt but that her people have assented to our terms of admission.

The case of Missouri was a very strong one. Congress agreed to admit her into the Union upon the condition that her Legislature should substantially change a provision in her constitution touching a very delicate subject. Under her constitution the Legislature had no power to make this change; nor could it have been effected without a long and troublesome process. But Congress cut the gordian knot at once, and agreed to accept the engagement of the Legislature as the voice of the people. We have never had any occasion to regret this disregard of forms.

I now come, Mr. President, to speak upon subjects concerning which I should gladly be silent. The internal concerns of the States should never be introduced upon this floor when it can be avoided; but the Senators from South,

Carolina (Mr. CALHOUN) and Ohio (Mr. MORRIS) have thought differently, and have rendered it necessary for me to make some observations in reply.

First, then, I would ask, what possible connection can be imagined between the conduct of the Senatorial electors of Maryland, who refused to execute a trust for which they were elected, and that of the people of Michigan, who chose delegates to a convention upon the express invitation of an act of Congress? The Maryland electors refused to perform their duty under the State constitution; but the people of Michigan did give their assent to the condition which we had prescribed to them, and upon which alone they could enter the Union. There is as great a difference between the two cases as "between a hawk and a hand-saw." Standing here as a Senator, I have no right to pronounce judgment upon the conduct of these electors. They are responsible to the people of the State of Maryland, not to me.

The other Maryland question, to which the Senator adverted, is one of a very different character. It involves the decision of the important principle whether, under a settled form of constitutional government, the people have a right to change that form in any other manner than the mode prescribed by the constitution. If I were to admit that they did not possess this power, still the Senator is as much of a revolutionist as myself. He admits that if the Legislature of Michigan had passed a law authorizing this convention, and fixing the time and place of its meeting, then its proceedings would have been regular and valid. But who gave the Legislature of Michigan this authority? Is it contained in the constitution of the State? That is not pretended. Whence, then, shall we derive it? How does the Senator escape from this difficulty? Upon his own principles, it would have been a legislative usurpation; and yet, he says, if the Legislature had acted first, the convention would have been held under competent authority.

Now, for my own part, I should not have objected to their action. It might have been convenient, it might have been proper, for them to have recommended a particular day for holding the election of delegates and for the meeting of the convention. But it is manifest that, as a source of power to the convention, legislative action would have been absurd. The constitution of Michigan fixes the boundaries of the State. For this purpose, it refers to the act of Congress of the 11th of January, 1805, establishing the Territory. How could these boundaries be changed? If in no other manner than that prescribed in the constitution of Michigan, it would have been a tedious and troublesome process, and would have delayed, for at least two years, the admission of the State into the Union. First, such an amendment must have been sanctioned by a majority of the Senate and House of Representatives. Then it must have been published for three

months. Afterwards it must have received the approbation of two-thirds of both Houses of a Legislature subsequently elected. And, after all these prerequisites, it must have been submitted to a vote of the people, for their ratification. It was to avoid these very difficulties that the Senate, at their last session, adopted, by a unanimous vote, the measure which the Senator now calls revolutionary, referred the decision of the question directly to the sovereign people of Michigan in their primary capacity. Then was the appropriate moment for the Senator to have objected to this course; that was the occasion on which to convince us that this was an unconstitutional and lawless proceeding. He suffered the precious moment to escape, and it is now too late to tell the people of Michigan that they shall be punished by an exclusion from the Union, because they thought proper to take us at our word. That would have been the time to have inserted an amendment in the bill requiring a previous act of the Legislature, prescribing the mode of electing the delegates. But the Senator was then silent upon this subject. There had then been no proceedings in Maryland, such as he now calls revolutionary. A word upon that subject. We are told in that sacred and venerated instrument which first proclaimed the rights of man to the world, that "all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." But suppose the case of a State whose constitution, originally good, had, from the lapse of time, and from the changes in the population of different portions of its territory, become unequal and unjust. Suppose this inequality and injustice to have gone to such an extent that the vital principle of representative republics was destroyed, and that the vote of a citizen in one county of the State was equivalent to that of six citizens in another county. Suppose that an equal disproportion existed between taxation and representation, and that, under the organic forms of the constitution, a minority could forever control the majority. Why, sir, even under such circumstances, I should bear with patience whilst hope remained. I would solicit, I would urge the minority, I would appeal to their sense of justice, to call a convention, under the forms of the constitution, for the purpose of redressing the grievances; but if, at last, I found they had determined to turn a deaf ear to all my entreaties, I should then invoke the peaceable aid of the people, in their sovereign capacity, to remedy these evils. They are the source of all power; they are the rightful authors of all constitutions. They are not forever to be shackled by their own servants, and compelled to submit to evils such as I have described, by the refusal of their own Legislature to pass a law for holding a convention. Whoever denies this position, condemns the principles of the declaration of independence and of the Ameri-

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can Revolution. There is not one of the old thirteen States whose Government was not called into existence upon these very principles. It is now too late in the day, in our favored land, to contend that the people cannot change their forms of government at pleasure. The glorious experiment which we are trying in this country would prove a total failure, if we should now decide that the people, in no situation, and under no circumstances, can hold a convention without the previous consent of their own Legislature. It is not my province to say whether the proper time for this peaceful action of the sovereign people, in their primary capacity, has yet arrived, or will ever arrive, in Maryland. That question may safely be left to them; but I feel no terrors, my fancy conjures up no spectres from such doctrines as I have advanced.

Mr. BENTON said: Nominally, and upon record, this is a Michigan question—a question to admit the State of Michigan into the Union; in fact and in substance, it is now converted into a Pennsylvania and a Maryland question, to arrest or paralyze the proceedings against the United States Bank charter in the former, and to arrest or paralyze the proceedings in favor of a convention in the latter. This is the form given to it yesterday by the movement of the Senators from South Carolina and Ohio, (Mr. CALHOUN and Mr. MORRIS;) so that little Michigan, which had seemed to be the subject of discussion before the Senate, was suddenly found to be nothing but the tail to the kite, dangling in the air below, while all eyes were fixed upon the imposing apparition of the two Atlantic States, rising and hovering above. In this way, the young Michigan was suddenly eclipsed and lost sight of; and the lawless and revolutionary movement, as it was styled, in Pennsylvania, against the sanctity of a certain charter, and the lawless and revolutionary movement, as it was stigmatized, in Maryland, in favor of a convention of the people, became the engrossing theme of denunciation and vituperation. Greatly did Mr. B. rejoice that the Senator from Pennsylvania (Mr. BUCHANAN) had followed no part of this unhappy example; that he had carefully eschewed all animadversion; that he had positively refused to take any part, or to have any share, in discussing State measures here; and had confined himself to the duties of defence imposed upon him by the novel and aggressive course pursued by others. That Senator's first care was to defend a gentleman of his own State, Mr. Dallas, who had been assailed here by name; and in that he had so acted as to effect what he (Mr. B.) had thought to be impossible: he had increased his high character for private worth, and had added to the exalted opinion entertained of the goodness of his heart; for this generous defence was volunteered in favor of one with whom it was not his fortune to be on terms of intimacy. He showed the injustice done to that gentleman by attributing to his letter meanings which did

not belong to it, and drawing inferences as foreign to his character as they were to his writing. He (Mr. B.) had read that letter, but not since it had been the subject of animadversion; and it might be that his knowledge of the amiable character, purity of heart and purpose, and modesty of deportment of the writer, had prevented him from so scanning his words as to be able to find the deep mischief which they concealed; for certainly he had not seen the anarchical spirit attributed to it. In many things he agreed with him, especially in that which related to vested rights; in some things he did not; but where he did not agree, it was still the disagreement which left unimpeached the high character for public and private worth which Mr. Dallas brought with him, as a Senator from Pennsylvania, to this chamber, and carried back with him from this chamber to Pennsylvania.

Mr. B., with as much reluctance as he had felt in adverting to Pennsylvania affairs, must now advert to the Maryland branch of this question. It seems that there is a movement in Maryland to organize a convention, by the inherent and unalienable rights of the people, and, without a legislative act, to alter and change the constitution of the State. The convention held in Michigan is one of this kind, and, therefore, the recognition of an act done by that convention is resisted on this floor, by the friends of the anti-convention party in Maryland, for fear it may operate in favor of the convention party in that State. This is the way that Maryland politics are lugged into this debate, and made part of this discussion. Mr. B. said he had often seen gentlemen argue one question with an eye to another, but, usually, with the delicacy of not lugging in, by name, this other question, which had no place upon the record. But this delicacy has not been observed upon this occasion. Michigan alone is in the record before us; yet Pennsylvania has been dragged in by name; Maryland has been dragged in by name; and not only dragged in, but made the principal subject of debate, and the most furious denunciations levelled at a portion of their citizens. The advocates for the Maryland convention are, not incidentally and by way of innuendo, lashed and scourged here while lashing and scourging the Michigan convention, but they are singled out, seized upon, and dragged forcibly and violently into this chamber; and then denounced in such style that, no doubt, the question of the Maryland convention is considered as completely crushed by the force which assails it here. Be it so, said Mr. B., if the people of sovereign States are willing to have their affairs governed by denunciation here. It will certainly be a one-sided game on this floor, for it was manifest that there was one party at least here who would not attack the impending measures of any State, nor attack the conduct or motives of the citizens of any State, in acting as they pleased on what concerned themselves; there

was one party, at least, here, who would limit themselves to the just defence of the absent and the assailed. The Maryland convention party, then, is arraigned and condemned here for proposing to do what Michigan has done, and the act of Michigan must be stamped with reprobation by Congress, lest it become a precedent, sanctioned by the approbation of Congress, for the justification of the convention party in Maryland. This is the state of the question before us; and Mr. B. would immediately proceed to vindicate, not by an argument of his own, but by example, authority, and precedent, drawn from our early history, and from the writings of the founders of the republic, and others which claimed respect, the act which Michigan has done, and which a party in Maryland proposes to do. Mr. B. then read and commented briefly upon several passages from the writings of Mr. Madison, Judge Wilson, of Pennsylvania, General Hamilton, and Judge Story, in his Commentaries on the Constitution. Mr. Madison, speaking of the alleged defect of powers in the convention of 1787, which formed the federal constitution, says :

"They (the members of the convention) must have reflected that, in all great changes of established Government, form sought to give way to substance; that a rigid adherence, in such cases to the former, would render nominal and nugatory the transcendent and precious right of the people to 'abolish or alter this Government, as to them shall seem most likely to effect their safety and happiness,' since it is impossible for the people spontaneously and universally to move in concert towards their object, and it is therefore essential that such changes be instituted by some informal and unauthorized propositions, made by some patriotic and respectable citizen, or number of citizens. They must have recollected that it was by this irregular and assumed privilege of proposing to the people plans for their safety and happiness, that the States were first united against the danger with which they were threatened by their ancient Government, that committees and Congresses were formed for concentrating their efforts, and defending their rights, and that conventions were elected in the several States for establishing the constitutions under which they are now governed. Nor could it have been forgotten that no little ill-timed scruples, no zeal for adhering to ordinary forms, were anywhere seen, except in those who wished to indulge, under these masks, their secret enmity to the substance contended for."—*Federalist*, No. 40.

Here, said Mr. B., the authority of the people, in their original sovereign capacity, to abolish, alter, and change, their form of government, is fully and expressly set forth. The want of legislative authority to guide or direct them is directly waived; and some patriotic and respectable citizen or citizens are looked to, to commence the informal and unauthorized propositions which are to lead to a convention, and to end in the adoption of fundamental changes.

Such citizens are not considered by Mr. Madison as anarchists, disorganizers, disturbers of

the peace, despoilers of property, &c., but as public benefactors, prompted by patriotism to take the lead in a work of public good and necessity. Mr. B. particularly noted, and read twice over, the concluding sentence of this extract from Mr. Madison. He said that Mr. M. was one of the most careful men in abstaining from personalities and the imputation of motives; but here was a keen cut, and a home thrust, at the old Tories of the Revolution—King George the Third's men, the conservatives of fifty years ago, who were indulging their secret enmity to the real rights of the people, under the mask of zeal for adhering to forms, and conscientious scruples against acting without authority.

[Mr. Benton then read from the proceedings of the States at the time of the adoption of the federal constitution, that State constitutions, without authority of law, were of common occurrence.]

Mr. B. having shown, from the opinions of the most eminent men, and from examples of the highest character, that conventions were independent of State legislation, demanded how it was that State Legislatures assumed to have power to grant or withhold them? He wished to see their grant for the exercise of this authority? He wished to see how it was that they who were servants, and dressed up in a little brief authority, undertook to govern and direct the people in the exercise of an inherent and unalienable right? They could not get this authority from the people, for it assumed a supremacy over the people. There was but one way to deduce their title, and that was through divine right! and by the grace of God! Any thing short of this acknowledges the sovereignty of the people, and puts an end to the pretension; so that a Legislature which should now assume to authorize the people to hold a convention, if put to a derivation of their own authority, would have to adopt the style of those kings of Europe who hold that God has put the people into their care, and endowed them with all authority for their protection and preservation. A legislative advice, counsel, or recommendation to the people to hold a convention, and an appropriation of money to defray its expenses, is certainly a convenience, but it is not a prerequisite; and conventions to change the form of Government may be held by the people when they please; taking care to submit their work to a direct vote of the people themselves, or to a new convention elected for the express purpose of approval or rejection, as was done in the case of the Constitution of the United States; and thus making sure of the approbation of a majority of the people before the new constitution is put in force.

Mr. B. had now finished his view of this question, and would make a brief application of the whole to the case of Michigan. The people there had held a convention, by their own

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power, to accept a fundamental condition of their admission into the Union. They have accepted the condition; and the objection is, that the convention was a lawless and revolutionary mob, and that law ought to be made to suppress and punish such assemblages in future. Mr. B. would hold a proposition for such a law to be the quintessence not of European, but of Asiatic despotism; and sure he was, it would receive no countenance by the vote of this chamber. In saying this, he spoke upon a recollection of the past, as well as upon a view of the present. At the last session of Congress all this denunciation of lawless and revolutionary mobs had been lavished upon the convention both of Arkansas and Michigan, because, being Territories, they had held conventions, and framed constitutions, without the authority of Congress. Our answers to these denunciations were the same that we give now, namely: 1. That they had a right to do so without our authority, and all that we could require was, that they should send us their constitutions, that we might see they were republican; and, 2. That these Territories had several times applied to Congress for an act to regulate the holding of their conventions, which were always refused by the political party which then held the supremacy in this chamber; and that to refuse them an act to regulate the holding of a convention, when they asked for it, and then to denounce them for holding a convention without law, was unreasonable and contradictory, and subjected ourselves to the reproach both of injustice and inconsistency. These were our answers then; and we added, that those who denounced the Arkansas and Michigan conventions for lawless and revolutionary mobs, would find themselves unsupported by the vote of the Senate; which turned out to be the fact, for the negative vote was exceedingly small; and Mr. B. would add, that the result would be the same now; and that, after all this denunciation of the convention in Michigan, the convention party in Maryland, and the disorganizing party in Pennsylvania, the vote would be about as it was at the last session, exceedingly small, and entirely too inconsiderable to give any countenance to their denunciations.

Mr. B. concluded by expressing the hope that the Senate would not adjourn until it finished this question. It was due to Pennsylvania and Maryland that we should stop a debate in which their concerns were improperly introduced; and it was due to Michigan herself that she should be relieved from this attendance at our doors. She has been debarred of her rights for years; she is a State, if not a State of the confederacy; she has a right to be admitted; and the admission of a State is a question of that dignity to be entitled, not only to a speedy decision, but to a preference over all other questions until it was decided. He repeated, what he had said some days before, that he had come with his cloak to camp on this floor until the vote was

taken; and, that being his idea of what all ought to do, he would not consume time by speaking.

WEDNESDAY, January 4.

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The Senate proceeded to the further consideration of the bill for the admission of Michigan into the Union; the question being on the motion of Mr. MORRIS to amend the bill.

Mr. BAYARD said: In my opinion, sir, the present bill involves a monstrous political heresy, and gives its sanction by implication to a doctrine which would subvert all regular government. It is true, sir, that upon its face there is nothing exceptionable, but you cannot strip it of its contemporaneous facts, you cannot blot from the page of history its concomitant circumstances. The Message of the President and other documents are now matters of record. What, then, sir, is the case before us? Not a single insulated act, but a matter which, in the web of human affairs, involves consequences which cannot be trammelled up. The effect, sir, of to-day becomes the cause of to-morrow, and it behooves us to look warily to the principles which we establish. The case is simply this: the people of a part of Michigan Territory, without waiting for a previous act of Congress assigning the boundaries of their State, and authorizing the formation of a constitution and State Government, undertook, on the 11th May, 1835, to form a constitution and State Government, and applied for admission into the Union at the last session. Congress passed an act on the 15th June, 1836, accepting, ratifying, and confirming, the constitution and State Government, but provided, as a condition precedent to her admission, that the assent of a convention of delegates, chosen by the people, should be given to the boundaries prescribed in the act. I say, sir, the people of a part of Michigan Territory undertook to do this, because, at that time, Michigan Territory embraced not only the peninsula of Michigan, but the whole of the present Territory of Wisconsin, and contained within its limits 177,000 square miles, or nearly three times the area of the great State of Virginia. The peninsula of Michigan, which had previously formed a part of Indiana Territory, was separated from that Territory and established as an independent one by the act of Congress of the 11th January, 1805. Subsequently to this period, Indiana in the mean time having been formed into a State, an act of Congress was passed, (on the 18th April, 1818,) authorizing the formation of a constitution and State Government for Illinois, and the 7th section of that act added to the peninsula of Michigan the rest of the North-western Territory, comprising the present Wisconsin Territory, which it declared should be attached to, and made part of, Michigan Territory, subject, however, to be disposed of by Congress according to the right

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reserved in the 5th article of the ordinance of July 13, 1787.

When the immense territory on the north of the Ohio River, formerly called the North-western Territory, was ceded to the United States by Virginia, the 5th article of the ordinance of the 13th July, 1787, which was declared to be a compact between the original States and the people and States of the said Territory, provided that it should be divided into not less than three nor more than five States, and proceeded to parcel it out into three States, whose boundaries it fixed, with the express provision, however, that those boundaries might be altered, and that Congress should have the authority to form one or two States in that part of the territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. At first, this whole region of country passed under one name, that of "the Territory north-west of the river Ohio," and was subject to a single Territorial Government. In the year 1800, by the act of Congress of the 7th May, it was divided into two parts, for the purpose of temporary government, by a line beginning at the Ohio, and opposite the mouth of the Kentucky River, and running thence to Fort Recovery, and thence north until it intersected the territorial line between the United States and Canada. That portion of it which lay on the eastern side of the division line retained the name of the Territory north-west of the river Ohio, and that on the western side of the line was called Indiana Territory. The peninsula of Michigan was thus divided between these two Territorial Governments. When, subsequently, in the year 1802, the State of Ohio was, by the act of Congress of the 30th April, in that year, authorized to form a constitution and State Government, and the boundaries of that State were established, the balance of the Territory north-west of the river Ohio, that is to say, the other portion of the peninsula of Michigan, was attached to Indiana Territory. By act of Congress of the 11th January, 1805, this Territory of Indiana was again divided, and the peninsula of Michigan established as a separate Territory. From the year 1805, then, until the year 1818, the Territorial Government of Michigan extended only over the peninsula of that name. When, however, in the latter year, by act of Congress of the 18th April, Illinois was authorized to form a constitution and State Government, and the boundaries of that State were established as they had been of the State of Indiana, by the act of April 19, 1816, the remaining portion of the old North-western Territory was added to the peninsula of Michigan, and the whole subjected to one Territorial Government. This immense region of country, covering an area of 177,000 square miles, was subject, however, by the express provision of the ordinance of the 13th July, 1787, to be formed by the authority of Congress into one or two States. Such, sir, was the state of things when the inhabitants of the peninsula of Michi-

gan, disregarding this authority of Congress, undertook to form a constitution and State Government for themselves. The preamble to their constitution is in these words: "We, the people of the Territory of Michigan, as established by the act of Congress of the 11th of January, 1805, do agree," &c.; which description embraced only the inhabitants of the peninsula of Michigan, which had, as has been stated, in the first instance, been made a separate Territory by that act of Congress. In doing so, these people professed to act in conformity with the ordinance of July, 1787, and to derive their authority from that ordinance; which, as has been seen, expressly reserves to Congress the right to form one or two States in the Territory as it then existed. As both Congress and the inhabitants of that peninsula could not have the same right, it is perfectly clear that the act of those people was unwarranted by any provision of law, and a mere nullity. This was the view taken of the subject at the time of their application to Congress at the last session, and hence, sir, the resolution of the 26th of January, 1836, referred to by the Senator from Pennsylvania, (Mr. BUCHANAN,) "that the Senate regard the memorial purporting to be from the State of Michigan in no other light than as a voluntary act of private individuals." But, sir, consent takes away error, and Congress thought proper, at a subsequent period, by the act of the 15th June, 1836, to accept, ratify, and confirm, the constitution and State Government which had been formed by the inhabitants of the peninsula, with this proviso, however, that the limits of the State should embrace not merely the peninsula, but likewise a region of country lying on the north-west of Lake Michigan; thus adding to the proposed new State both territory and population, and requiring, as a condition precedent to her admission into the Union, that the assent of a convention of delegates chosen by the people should be given to the boundaries prescribed in the act. The simple question, then, would seem to be whether this condition has been complied with. Congress, not doubting but that such assent would be cheerfully and promptly given, further provided that, as soon as such assent should be given, the President should announce the fact by proclamation, and "that, thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered complete, and the Senators and Representatives who have been elected by the said State, as its representatives in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives, respectively, without further delay."

It is thus seen, sir, that not only the fact of assent is provided for, but also the evidence by which that fact is to be established. It is clear that the President is made the judge of that fact, and

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that he might have bound the United States at least by his proclamation. We could not have controverted the fact, and the Senators from Michigan might have taken their seats on this floor. But, sir, although the President might have assumed this responsibility, he has, at least, in this instance, wisely abstained from trampling on the law and constitution. I cannot see how it was possible for him, under the circumstances of this case, to have declared that a convention of delegates, chosen by the people of Michigan, had given its assent to the boundaries prescribed by the act of Congress. Whatever may have been his motive for this course, no proclamation has been issued, but the whole matter is referred to Congress by his Message of the 27th of December, 1836. By that Message and the accompanying documents it appears that a convention of delegates assembled on the 26th of September, 1836, at Ann Arbor, in conformity with an act of the Legislature of the State of Michigan, passed on the 25th of July, 1836, and resolved "that this convention cannot give their assent to the proposition contained in said proviso; but the same is hereby rejected." By the same Message and documents, it further appears that another convention of delegates assembled on the 14th of December, 1836, at Ann Arbor, without any previous law of the Legislature of the State of Michigan, but which originated from the resolutions and proceedings of primary meetings of the citizens in the several counties, which assumed to be a convention of delegates chosen by the people in compliance with the act of Congress, and this convention gave its assent to the condition. As the case stands, the simple question is, whether the condition has been complied with; or, in other words, has a convention of delegates, chosen by the people, given its assent? The act which we have now under consideration, in its preamble, declares that such assent has been given in compliance with the law.

It must be recollected that, at the time of forming this constitution, the Territory of Michigan was composed, as I have stated, of the whole of the remaining portion of the North-western Territory, embracing the present state of Michigan and the Wisconsin Territory, and covering an area of 177,000 square miles; that the peninsula of Michigan had been subjected to a separate Territorial Government by the act of the 11th January, 1805, and had so continued up to the year 1818, when, on the creation of the State of Illinois, the balance of the North-western Territory had been incorporated with it. The people of the peninsula of Michigan wishing to form themselves into a State, instead of describing themselves as inhabitants of the peninsula, in terms adopted an equivalent form of expression, namely: "We, the people of the Territory of Michigan, as established by the act of the 11th January, 1805," which was precisely the peninsula of Michigan.

This is nothing more than a description of the

people who proposed to form themselves into a free and independent State, as contradistinguished from the other inhabitants of the then existing Territory of Michigan. It is the natural and proper mode of describing a people or nation, namely, by the place or country of their residence; but it does not import any limitation of boundaries, any more than the phrase "We, the people of the United States," in the preamble to the Constitution of the United States, limits the boundaries of the United States to those which existed at the time of its adoption. If it were otherwise, how came we at this moment to possess the immense region on the western side of the Mississippi, or how came we to possess Florida? It is very unusual and unnecessary to settle boundaries in the constitution, and I question whether there are more than half a dozen cases to be found among the different States of this Union. In the cases of Ohio, Indiana, and Illinois, it became necessary to do so, because the act of Congress which authorized the formation of their respective constitutions, required that it should be done.

The word *State* has a double meaning: in the one, it indicates the people who compose the community, in the other the territory inhabited by them. In forming a constitution it is the people who form themselves into a sovereign State, and their identity would be the same, whether they continued to occupy the same territory or not. The reference, by way of description, to the region of country they inhabit, is no more of the essence of the compact than a description of an individual in a deed, as A B, of the District of Columbia, would be of the essence of his contract, requiring that he should, in all time to come, reside in the District of Columbia, in order to avail himself of its provisions. But, sir, there is another and a conclusive answer to this objection; which is, that the inhabitants not having possessed the right at all, in the first instance, to form a constitution and State Government, the same is binding and valid only so far as it was ratified by the act of Congress of June 15, 1836; and that act having refused to confine the new State to the peninsula of Michigan, but having required that it should embrace a region of country on the north-western side of the lake, it follows that if it were true that the preamble established the boundaries of the State, it was in that particular vacated by the act of Congress. For it must be recollected that the ordinance of 1787 gave to Congress the right to erect one or two States in the then existing Territory of Michigan, which was the remaining portion of the old North-western Territory. The result, sir, then, is this: that to call a convention to express its assent to the boundaries established by Congress, is not to call a convention to amend or alter the constitution, since the constitution, neither in point of fact, nor in point of law, established any boundaries; and, consequently, that the enlargement or diminution of its territory became a matter of ordinary legislation, a power

which is exercised every day by the Legislatures of the respective States, in sessions made by them to the United States.

But if it be true that the enlargement or diminution of the territory is a matter of ordinary legislation where the boundaries are not fixed by the constitution, *a fortiori*, it is a matter of ordinary legislation to call a convention to enlarge or diminish the territory, where the duty to do so is imposed by competent authority. The right of a Legislature to call a convention at any time must depend on the constitution of the State; and the powers of the convention, when called, will depend on the provisions of the law under which it is assembled; because the people, in voting for such a convention, cannot be understood to invest it with any other power than that which they have previously agreed it should have in the passage of the law to which they have, through their Legislature, given either their express or implied consent. The people are the source of all power. When assembled in a state of nature, *lege solutus*, in their sovereign capacity, their power is without any practical limitation. It is the whole will of the community, sustained by its whole force. But, as they cannot meet *en masse* when spread over a large country, recourse is had to the principle of representation; and, when the sovereign power is delegated, a constitution becomes necessary in order to limit the powers granted. If the whole legislative power were delegated, without restriction, then the Legislature, who are the depositaries of that power, would possess it in as absolute a degree as that in which it belonged to the whole community, assembled in its sovereign capacity; that is, without any practical limitation. The constitution of a State is not, therefore, generally a mere grant of power to a particular body; it does not consist in an enumeration of certain powers which are granted, but vesting at once the whole legislative power in a particular body, it provides for limitations on its exercise. Hence the necessity for bills of rights and reservations in favor of individual liberty and security; hence the provisions in relation to trial by jury, to the power of arrest, to the habeas corpus, to freedom of conscience in religious matters, and freedom from unreasonable seizures and searches; hence the necessity of guarding the existence of the executive and judicial powers by constitutional provision, which might otherwise be absorbed by the legislative power. All this results from the very nature of legislative power, which, whether it resides in the whole community or is delegated by that community to a particular body, is without practical limitation other than that provided for in the constitution of the society. And herein, sir, consists the great and essential difference between the constitution of a State and the constitution of the Federal Government. The first has all the powers that are not prohibited, the latter has no powers but those which are granted. The principle is all-

important in the construction of the two instruments. The Federal Government is one of enumerated powers. There is no general delegation of the whole legislative power of the community, restrained merely by exceptions and limitations; but the delegation is of "all legislative powers therein granted." It is true that the same language might be used in a State constitution, and, in such case, would require the same construction. But when, as in the case of the constitution of Michigan, it is declared that "the legislative power shall be vested in a Senate and House of Representatives," it is the legislative power of the whole community, and has no practical limitation but what is to be found in other parts of the constitution. I mean, of course, as a rule of construction growing out of its own provisions. There is, also, as respects the States of this Union, another limitation, namely, the Constitution of the United States. But the principle is the same, for the Constitution of the United States, having received the assent of the same people, may be considered as incorporated with, and forming, for the purpose of construction, a part of the State constitution, in the limitations it imposes on the exercise of State sovereignty. As it appears, then, that the object of calling a convention in Michigan was not to amend or alter the constitution, but to give its assent to what the legislative power might itself have assented to, namely, the enlargement of its territory, it follows that the power to call such a convention is a mere act of ordinary legislation, and the duty having been imposed by Congress to do so, it was the business and right of the Legislature of that State to perform that duty. It was the duty and right of the Legislature of Michigan to call the convention, because the people of Michigan, when they formed their constitution, declared that the Legislature alone should possess the right of expressing and binding the public will in matters of ordinary legislation. Upon the question whether a convention should be called, the time and place of its assembling, the mode of its election, the qualification of its electors, no portion of the community had the right to dictate to any other portion; nor could the will of the community be ascertained on those points in any other mode than that agreed upon in the constitution. And why, sir? Because the people of Michigan had previously agreed, each man with each and every other, when they adopted their constitution, that the Legislature should be the exponents of the public will in such a case. That any portion of the community, be it great or small, should call itself the people, and affect to express and bind the public will, under such circumstances, is a fraud upon the rights of every man in it, and a gross and manifest infraction of the social compact into which he entered when he agreed, with others, to form a sovereign State, and delegate the legislative power to a particular body. I say, then, sir, without the fear of contradiction, that when the people

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themselves, who cannot act in mass, delegate to their representatives, by their constitution, the legislative power of the community, each and every man of them parts with the right to express and bind the public will in any other mode than through their Legislature, in relation to matters falling within the scope of that power. Such is the compact, and it is they themselves who establish it.

Mr. BROWN said: The admission of Michigan as a member of the Union had been resisted mainly by those who oppose it on the ground that she is, at this time, a sovereign State, and that the convention which assembled in December last, and gave its assent to the terms proposed by the act of the last session of Congress, was not called into being by a law of the Legislature of Michigan, and is therefore to be considered as irregular and revolutionary in its nature, by assuming to act without such authority. He thought it required but a very slight examination of the subject for them to arrive at the conclusion that, on all questions of legislation by Congress touching her condition, she is to be contemplated and regarded as a Territory and not as a State. Not having complied with the terms of the act of Congress passed at the last session for her admission into the Union, she is not a confederate State. If she exists, then, as a State at all, it must be in the character of a foreign and independent sovereignty. To maintain a doctrine so absurd as this was, and so utterly subversive of the authority of the General Government over its territory, its advocates must, of necessity, be driven to admit the right of the people of a Territory to throw off the power of the General Government without its consent, and to establish an independent Government at their own will and pleasure. Whether a State may rightfully secede from the Union or not, is a question about which the ablest statesmen have differed; but that a Territory, having in itself no sovereignty, may rightfully withdraw from the authority of the Federal Government, (unless by that right acquired by successful revolution,) is a proposition so disorganizing in its tendency as to find scarcely a single advocate. It is true that Michigan has, for some time past, exercised the powers of a State, preparatory to her admission into the Union, which were simply permissive, and not by virtue of any rights she had as a State, independent of the authority of the General Government. She is, then, for all practical purposes, to be regarded in our legislation as still remaining in her territorial condition. If this opinion be correct, then the sanctuary of State rights, for which so many apprehensions have been expressed, will not be invaded by our recognizing the acts of the late convention, giving the assent of the people of Michigan to the terms proposed by the act of Congress. The honorable Senator from Delaware had argued to show that the legislative branch of a Government was to be regarded as the depository of the public will, and that in the States

all power not prohibited by their constitutions might be exercised by their Legislatures; and deduces, as a consequence from the principles which he contended for, that the assembling of a convention in Michigan, without authority from her Legislature, was irregular and of revolutionary tendency. This doctrine, said Mr. B., was, in his opinion, radically wrong, and had led to many of the erroneous conclusions which had characterized the present discussion. The legislative branch of a State Government was to be considered the depository of the public will of the people, represented by it only for certain purposes, and to the extent of the powers conferred on it by the constitution under which it acted. All other powers resided in the great body of the people, in which exists the ultimate authority and sovereignty of a State. The constituted authorities of a State, no, not even a convention itself, possess no inherent power of sovereignty, and each are but the mere agents of the people, who constitute the sovereignty. It is therefore derogating rather too much from this power of the people of a State to claim for their Legislature the right to direct them when and how they shall proceed to assemble in convention. It strips the sovereign power of one of its highest and most powerful attributes, and leaves it at the will of the agent created by it to decide when it may rightfully exercise that power. In some of the States the power is expressly given to their Legislatures to decide when a convention shall be called, and to provide for the manner of calling the same. This, of course, is a restriction by the people of those States, imposed by themselves, on their original right to assemble in convention through the instrumentality of primary assemblies, and which they are constitutionally bound to observe. But no such restriction can be alleged as existing in the constitution of Michigan to prevent her people from assembling in convention spontaneously, for the purpose of expressing her willingness to come into the Union on the terms proposed by Congress. Her constitution points out the manner in which future amendments to that instrument are to be made; but no mode is prescribed by it as to the manner in which her people are to assemble in convention for the purpose of being admitted into the Union as a State. As her people never have conferred on any of her public functionaries this power, it, of course, remains among them, as belonging to that class of residuary powers with which she has never parted. If, sir, said Mr. B., this reasoning be correct, the people of Michigan have rightfully exercised the power of calling a convention through their primary assemblies—a right consecrated by the principles of the Revolution, and from the exercise of which some of the oldest, if not the wisest, State constitutions had sprung into existence. In determining this question, he thought it their duty, as statesmen, to disencumber it of mere questions of form, and to ascertain substantially what was the will

of the people of Michigan in reference to their admission into the Union. All the facts before them went to prove, most conclusively, that it was not only the will of a majority of them to obtain admission into the Union, but that there was almost entire unanimity of sentiment among her citizens in favor of it. Had a single remonstrance been presented from any part of that Territory against the proceedings of her convention? No, not a single voice had been heard from that quarter opposed to it. Her citizens, therefore, could not feel otherwise than greatly indebted to those who had come forward as her guardians here to protect her from the dire calamities of being admitted to a participation of the benefits of our happy Union! For himself, he had always been taught to consider it as a measure of no ordinary advantage to the people of a Territory to be raised from a state of territorial dependence to the elevated condition of a sovereign State of our confederacy. If we were about to do an act which might operate to restrain the privileges of her people, then it would behoove us to construe strictly the powers under which we act. While the rule of construction which he had just laid down was applicable to such a case as the one adverted to, the opposite rule of giving a liberal interpretation to our powers was equally obligatory where the object was to enlarge the privileges of the citizen. In other words, he considered it to be not only a safe rule in practice, but one demanded by our free institutions, in deciding on questions in which the rights of the citizen are involved, whether in courts of justice or legislative bodies, to give a construction to the power under which they act that will rather favor than abridge the rights.

Mr. NILES said he had witnessed the course this debate had taken with some surprise; great principles had been drawn into discussion, not necessarily belonging to the subject, and sentiments expressed, and doctrines maintained, which he had heard with no small degree of astonishment and regret; he could hardly realize that he was in the American Senate, and at this enlightened period when the principles of free Governments were supposed to be well understood and well settled. In view of what he had witnessed in this debate, he felt it his duty to allude to a fact which, whether agreeable to hear or not, he believed ought not to be entirely overlooked. Sir, said Mr. N., for some years past the American Senate, the most important branch of this Government, a co-ordinate branch of the Legislature, and possessing a portion of the executive and judicial authority, has not enjoyed the confidence of the people of the United States; and he feared, greatly feared, that what had taken place on the bill before us was not calculated to increase or strengthen the public confidence. Are we to be told that the people have decided inconsiderately, rashly, and unjustly? This will not do. Unless he was entirely mistaken, the principles which had been asserted, and the

doctrines that had been so strenuously maintained, would be received with some astonishment by the people of this country.

The question before the Senate he regarded a very simple one; it was really a question of facts; merely, whether the condition of the act of Congress of last session, providing for the admission of Michigan into the Union, had been complied with. In considering this question, gentlemen had gone into the first principles of government, and made what he regarded a bold attack on popular power, on the fundamental principle of popular sovereignty, which lies at the foundation of all our institutions. These doctrines were rather antiquated; they belonged to the school of the restoration in England, and the political writings of Sir Robert Filmore; they were the present doctrines of the conservatives in all the Governments in Europe, of the advocates of arbitrary power, and of existing abuses, however flagrant. But in this country it was not necessary to trace them so far; it was not necessary to go back beyond the memorable period of '98; they were the doctrines of that day, of the period in our political history which has been appropriately called the "reign of terror." Is it supposed that the principles and spirit of '98 and '99 can be revived? Is it supposed that, instead of having advanced, we have retrograded in political intelligence, and in a just understanding of the principles of free government?

What were the doctrines of that day—the doctrines to which the alien and sedition laws, and other kindred measures, owed their origin? He would refer gentlemen to them, and the speeches by which they were attempted to be maintained. The speeches we have heard are of the same character, maintaining the same principles and breathing the same spirit; but it will be no disparagement to any one who has taken part in this debate to say, that the heresies of that day have not been defended with more spirit or ability now than they were then. Then their advocates were able, experienced, talented, distinguished, and illustrious men; one of them bearing an intimate relation to the Senator from Delaware. They put forth their whole strength, and staked their all, politically—the ascendancy of their party and their individual prospects—on the support of the same doctrines we have heard mentioned on these occasions. But they failed, and the cause of democracy triumphed.

And what were those doctrines? They were, that the people could not be trusted; that they were their own worst enemies; that all the disorders, real or imaginary, that prevailed, were attributable to a wild spirit of democracy—to popular frenzy. An honest but fearless expression of opinion, concerning men and measures, was denounced as a spirit of insubordination, disorganization, and rank jacobinism. A distinguished leader of that party, now no more, belonging to a neighboring State to his own, a gifted son of genius, a brilliant star

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in the constellation of that day, whose impassioned, fervid, and glowing eloquence has never been surpassed in the halls of Congress, declared what were the evils and the remedy. I allude, said Mr. N., to Fisher Ames. He declared that the disease which threatened general and universal ruin to our institutions and our future prospects was rooted deep; that it had found its way into the very hearts of the people. This disease was democracy; it was the will and sovereignty of the people. "It was not that the skin was blistered, but their very bones were carious." Yes, the people were corrupt, even to their bones. In his fertile and vivid imagination, he conjured up and predicted greater evils for his country, which were to flow from this wild spirit of democracy, than have been portrayed on the present occasion. His country was to be visited with all the horrors of the French revolution; anarchy, confusion, and bloodshed, were to desolate the land; and, in the federal visions of that day, the ghosts of Robespierre, Danton, and Marat, were seen fitting through our atmosphere. The disease of that period was democracy; the people were said to be rising up to overthrow the Government, and destroy those noble institutions which they themselves had established. And it was the aim of those in authority to put down that wild spirit of democracy by the strong arm of power, and to maintain their authority, not through the public will, and as an emanation from it, but in opposition to it—in defiance of it. It was for this purpose that the alien and sedition laws were passed. And why is it, said Mr. N., that these laws, and particularly the latter, have become a stench in the nostrils of the people; and that for nearly forty years they have borne the stamp of universal reprobation upon their face—the deep and indelible stamp of infamy, which will go down to the latest posterity, or as long as there is a single spark of liberty in the hearts of the American people? Is the execration in which those laws are held to be charged to their being unconstitutional? Far from it. A large portion of the legislation of Congress has been charged with being in violation of the constitution; and the alien and seditious acts were declared to be constitutional, not only by Congress, but by the Executive and Judiciary. No; the infamy which has attached to those obnoxious acts did not proceed from their being unconstitutional, whether they are so or not. The people do not form opinions so unreasonably or unjustly. We must look for the cause of opprobrium to a different source—the true character and design of those laws. They were regarded as a premeditated and high-handed attack upon popular power; a deadly blow at the sovereignty of the people; a bold and daring attempt to overthrow the public will, to put down the popular opinion, and to rule the country regardless of it. They were considered as an attempt to change the very element of the Government, which is founded on public

opinion, and convert it into a Government of force.

But that great scheme failed; and are its exploded, reprobated doctrines now to be revived? Are we now to be told that there is no political power remaining in the people? that, having established and put in operation Governments, they have parted with all political power whatever? that they cannot revise or new-model this form of Government they have themselves established, unless in pursuance of a provision in the constitution, or in accordance with a law of the Legislature? This is maintaining that sovereignty resides in the constituted authorities, and not in the people at large; it is raising the creature above his creator, the agent above the principal. It is exalting the Legislature above, and making it independent of, the constituent body.

The constitutions of most of the States contain some provision for altering or amending them; some through the agency of a convention, and some otherwise. But such constitutional provision is not inconsistent with and cannot take away the right and power of the people, acting in their primarily original capacity, to change their system of government.

This is a right which they have not delegated, and which, of course, must abide with the people at large. Conventions of the people may be called, and often are, in pursuance of a law of the Legislature; yet this is a mere matter of convenience. But does the law confer on them their power? That is the question. If it does, then a Legislature can grant to another body greater power than it possesses itself; even the power to change or destroy those very forms under which it exists; a power to destroy the Legislature itself. This is preposterous, and shows the absurdity of the principle contended for. If a convention does not derive its power from the Legislature, from whence can it derive it, except from the people? What is a convention? Is it not a body representing the people in their primary, elementary capacity, and wholly independent of the Legislature and constituted authorities? If this is not a true idea of a convention of the people, he should like to be informed what a convention is. The Senator from South Carolina (Mr. PRESTON) asks, who and what are the people? He was surprised at such an inquiry from any quarter, and still more that it should come from one who has had so much to do with conventions, and attempts to call forth the latent energies of State rights and popular power. He did not understand the Senator's answer to his own question, further than his declaration that he himself (Mr. P.) was one of the people. The inquiry, however, was, he thought, easily answered. The people, in one sense, are the whole population of a State; but in a political sense, the people were that portion of the population which possessed the political power in a State: it did not mean women or children,

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but the whole body of citizens with whom the political power of a State resided.

MR. CRITTENDEN said that this was the only bill he had seen in that Senate, during his term of service, which had a preamble attached to it. It was his opinion that it was wholly unnecessary. However, it was deemed necessary by some gentlemen, for the sake of some argument or elucidation, to insert the preamble; but why, or wherefore, he did not apprehend. Did this preamble, he asked, vary and alter the construction of the law? Was it not the same with or without it? Had he been present when the bill was reported, he would have opposed the adoption of the preamble, because it did not tell the truth, and the whole truth. It bore upon its face what the lawyers call a *suppressio veri*. Now, if the Senate were right in supposing that the convention of December last was a legitimate and constitutional assembly, and that its proceedings were valid and binding, did the striking out or retaining of the preamble affect the deliberations of the convention, one way or the other? He thought not. Michigan had precluded herself from no right by it, and a right would be binding upon her, whether the preamble should be retained or not. Was not that very clear? Then, why retain it? Gentlemen had much better lay it aside, and, by making no allusion to it, they would avoid all the questions upon which they had been so long debating. If there was to be a preamble at all, it was proper, as the Senator from Ohio (MR. MORRIS) had said, that it should contain a true and complete history of the whole proceeding. He, MR. C., would vote for the preamble provided all the facts were introduced; or, if the question should be made, he would vote for striking it out. He thought that all parties might consistently do that. He expressed his anxiety for the speedy admission of Michigan into the Union, and said that he was then prepared to vote for the bill, and trusted that gentlemen would concur with him in opinion, that there was no necessity for the insertion of a preamble.

The question was then put on MR. MORRIS'S amendment to the preamble of the bill, and decided in the negative:

YEAS.—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Kent, King of Georgia, Knight, Moore, Morris, Prentiss, Preston, Robbins, Sevier, Southard, Swift, White—18.

NAYS.—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Strange, Tallmadge, Tipton, Walker, Wall, Wright—23.

So the amendment to the preamble was rejected.

The bill was ordered to be engrossed for a third reading:

YEAS.—Messrs. Benton, Brown, Buchanan, Dana, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Nicholas, Niles, Page, Parker, Rives, Robinson, Ruggles, Se-

vier, Strange, Tallmadge, Tipton, Walker, Wall, White, Wright—27.

NAYS.—Messrs. Bayard, Calhoun, Davis, Prentiss—4.

MONDAY, January 9.

The CHAIR presented the credentials of the Hon. SAMUEL PRENTISS, re-elected Senator from the State of Vermont.

Also, the credentials of Hon. WILLIAM C. PRESTON, re-elected Senator from the State of South Carolina.

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On motion of MR. CLAY, the Senate proceeded to the further consideration of the joint resolution rescinding the Treasury order of July, 1836.

The question being on MR. RIVES'S substitute,

MR. STRANGE addressed the Chair: I am opposed to the original resolutions, because they propose to rescind an executive order. I do not mean by this a mere verbal criticism, for I suppose the honorable Senator really meant what his resolution contained, and proposes to rescind or repeal an executive order by a vote of the National Legislature; and this, with due deference, I conceived to be a manifest solecism. The legislative, executive, and judicial departments of this Government are wisely separated by the constitution, and one cannot interfere with the province of another. The legislative prescribes rules for the executive and judiciary, but cannot itself perform any legislative or judicial function, except in the special cases set forth in the constitution. Congress may, if it be necessary and proper, command the Executive to repeal the Treasury order, but cannot itself repeal it. Congress passes laws for the government of every citizen, from the highest to the lowest, and at his own peril he yields or withholds obedience. As well, and even with more propriety, might the Supreme Court say it repeals an act of Congress, when it pronounces it unconstitutional, and refuses to enforce it. And as well might Congress say it repeals a decision of the Supreme Court, when that decision, having opened its eyes to some defect in the existing law, induces it to prescribe a new rule for future action. Even when the decisions of the court are palpably repugnant to the existing law, Congress cannot repeal them. Congress may direct what decisions shall be made in future, but cannot repeal those already published. Neither can it repeal the decisions of the Executive. The Legislature prescribes rules for the government of both these departments, and to each of them it must be left to apply them; and each must, in the first instance, judge how far its own actions square with the rules prescribed, upon its own official responsibility. A direct declaration of repeal, therefore, must be altogether inoperative, and of course an absurdity. The truth is,

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this Treasury order is altogether an executive act, and can only be undone by executive authority. Congress may command its repeal, and doubtless the Executive would yield such command respectful obedience. But it strikes me there is something in the mode of this undertaking to effect the repeal of the Treasury order, not consistent with strict parliamentary propriety; at least, not altogether consistent with the professed purpose of those who desire its repeal. It is laid down in Jefferson's Manual, the highest authority acknowledged by us in such matters, that "When the House commands any thing, it is by order. But facts, principles, their own opinions and purposes, are expressed in the form of resolutions." Now, the resolutions before us, while they assume the name of resolutions, effect the office of orders, and to perform more, as I think I have before shown, than even an order would be competent to accomplish.

But, again, I am opposed to the resolutions, because they propose to prescribe a rule, unnecessarily, as I conceive, in a matter where, from its nature, a large discretion is desirable, being highly convenient, and in no degree liable to dangerous use. I know it is the fashion of the day to suppose that the executive authority is the only one liable to abuse, or in any way likely to threaten the liberties of the country. Among the blessings, Mr. President, for which we of the present day are debtors to Heaven, there are none, politically speaking, for which we have more just reason to be grateful, than that the formation of our constitution has not been left to our own hands; that we have received it ready formed, in all its beautiful proportions, by men who seem to have been commissioned by Heaven for this very thing. Surrounded by an atmosphere just purified by the storms and convulsions of the Revolution, every one feeling more strongly than any other want that of an equal, wise, and impartial Government, they addressed themselves to the task with no faculty biased by local or personal passions. They sought for truth with their visual organs purged from the mists of prejudice, and they found her. They listened to her inspired instructions, and penned the happy constitution under which we now live, the envy of other nations, and the pride of our own. They divided Government into three departments, and prescribed the sphere in which each should move. Harmony and safety will ever attend its action, while each strictly observes the law of its creation. But it is difficult to say from which the most direful results are to be apprehended, should it with eccentric movement forsake its natural orbit, and invade those of its sister planets. Viewing this matter in the light of experience, we should be led to suppose that from the legislative department there was the greatest reason for jealousy of usurpation, or invasion of the province of others. The most remarkable and desolating revolutions of which modern history furnishes an account are those of Eng-

land and France, and the complete prostration of the executive and judicial authorities beneath the feet of the legislative marked those sanguinary events. But to press this portion of the subject no farther, suffice it to say, that true wisdom dictates to each department great forbearance towards the others, and a no less scrupulous abstinence from infringing upon their rights, than a jealous care of its own. The collection of the revenue is strictly an executive act. The Legislature, to be sure, can alone prescribe the subjects of revenue, and the mode of its collection; but the funds, to use the language of the resolution, in which receivable, is, in the general, a fair subject to be left to the Executive, under the constitution, and the broad range of circumstances which may from time to time arise. The general principle, certainly, (from which neither common reason nor convenience will allow of any wide departure,) is, that the public revenue should be collected in what is obviously equivalent to so much gold and silver, the acknowledged standards of value both by the constitution and the usage of trade. What is so equivalent must depend greatly upon circumstances continually fluctuating—the currents of trade, and the peculiar application for which any given portion of the revenue is designed. Sometimes the ease of the citizen may be consulted to a great extent, in perfect consistency with the security of the Treasury; and at others, nothing short of the precious metals themselves will serve the purposes of the public demands. I do not mean to say that Congress has not the power of dictating even the funds in which the revenue may be paid, or that there is any thing improper in her doing so; but that, in general, the officer whose business it is to supervise the Treasury, in his turn under the supervision of the Executive, will be well capable of judging, and much more competent to act to the advantage of the public, under sudden emergencies, (which no human sagacity is sufficient to foresee,) when untrammelled by rigid, inflexible rules; and, therefore, unless strong considerations call for the enactment of such rules, it is far better to leave him with the responsibility upon his own shoulders, which, without such enactments, would rest there. Thus the executive class of public officers would be stimulated to more activity; feeling, in addition to their responsibility to us, the representatives of the people, a direct responsibility to them, our common masters, for the wisdom and fidelity of their action.

I am again opposed to the resolutions, because, as I conceive, they are intended to censure the President of the United States. If any doubt rested upon the mind, upon the mere perusal of the resolutions themselves, that doubt must cease as soon as we listen to the comments of their advocates, and the reasons which urge them to their support. Some of the reasons upon which they are avowedly supported are the evil motives ascribed to the President, in causing the issue of the Treasury

order they are designed to repeal. He is, in effect, charged with falsehood; for the Treasury order bears upon its face, doubtlessly under his own authority and direction, the motives which induced him to give it existence; and we are here publicly told that his true motives were of an altogether different kind; thus directly charging him with an attempt to deceive the public, in placing before it false motives for his official action. But this is not all. He is not only charged with falsehood, but at least one of the motives imputed to him is in itself altogether base and dishonorable. We are told that some of the land speculators alluded to in the order were his own particular friends, whose interest he was solicitous to promote; that they have already made large investments in the public lands, and are threatened with loss, or at least a necessity of holding for an inconvenient length of time, should the United States continue to be a competitor with them in unrestricted sales; and that, while the United States is demanding specie, they, by selling for paper, would acquire a preference in the market, and be enabled to command better prices; thus making the President of the United States, in forgetfulness of his high station, and his well-earned honors, to sell the latter for trash to enrich his friends, and prostitute the former to gratify their avarice. Another motive assigned is, that being in heart opposed to the deposit law of the last session, he was desirous of throwing every difficulty in the way of its execution, to verify the evil omens uttered by himself and friends in relation to it, and to render it odious in the eyes of the people. To accomplish all this, the Treasury order was framed, in the hope that the pressure and embarrassments it should produce might be imputed to the deposit act. It may be that the President of the United States was not well inclined to the deposit act, and that in truth it is a mischievous measure, some of the evils of which are now demonstrating themselves; that those are now feeling them who could not in any other way be brought to dream of their existence; that in fact the connection between present difficulties and the deposit act is so intimate as to make it appear that one was got up by previous design to accompany the other. But however all this may be, it is well known the present Chief Magistrate is not a man to accomplish his views by any indirection; that a bold and manly, and, as his enemies think, a rash and reckless policy, is one of his characteristics. Yet gentlemen who advocate these resolutions ascribe to him conduct highly disingenuous, and motives exceedingly dishonorable. It is not my wish, in malice, to impugn the motives of any one; and if I should refer unfavorably to the motives of a party, I hope no gentleman within or without these walls will consider it personal to himself, or springing, in the slightest degree, from individual feeling. We are all men, and are all liable to have our judgment warped, however clear and

intuitive originally, by the allurements of persuasion, the fascination of affection, the delusions of prejudice, or the madness of passion, and when I find myself differing with another, I am always willing to suppose, and have it supposed, that either he or myself have fallen under subjection to one of these malign influences.

TUESDAY, January 10.

Message from the President—Isthmus of Darien and of Nicaragua—Proposals for crossing by Ship-canal.

The following Message was received from the President of the United States:

To the Senate of the United States:

Immediately after the passage by the Senate, at a former session, of the resolution requesting the President to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by equitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific Oceans, by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as ought to be established to compensate the capitalists who might engage in such undertaking, and complete the work, an agent was employed to obtain information in respect to the situation and character of the country through which the line of communication, if established, would necessarily pass, and the state of the projects which were understood to be contemplated for opening such communication by a canal or a railroad. The agent returned to the United States in September last, and although the information collected by him is not as full as could have been desired, yet it is sufficient to show that the probability of an early execution of any of the projects which have been set on foot for the construction of the communication alluded to is not so great as to render it expedient to open a negotiation at present with any foreign Government upon the subject.

ANDREW JACKSON.

WASHINGTON, January 9, 1837.

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The Senate proceeded to the further consideration of the joint resolution to rescind the Treasury order of July, 1836, &c., together with the substitute offered therefor by Mr. Rives, in the following words:

"Resolved, That hereafter all sums of money accruing or becoming payable to the United States, whether from customs, public lands, taxes, debts, or otherwise, shall be collected and paid only in the legal currency of the United States, or in the notes of banks which are payable and paid on demand in the said legal currency under the following restrictions and conditions in regard to such notes: that is,

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from and after the passage of this resolution, the notes of no bank which shall issue bills or notes of a less denomination than five dollars shall be received in payment of the public dues; from and after the first day of July, 1839, the notes of no bank which shall issue bills or notes of a less denomination than ten dollars shall be receivable; and from and after the first of July, 1841, the like prohibition shall be extended to the notes of all banks issuing bills or notes of less denomination than twenty dollars: *Provided, however,* That no notes shall be taken in payment by the collectors or receivers, which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash."

The question being on the adoption of his substitute,

Mr. RIVES said that, in asking the indulgence of the Senate, it was not his design to abuse their patience by rearguing the questions which had already been so fully and so ably discussed, in relation to the legality or the policy of the Treasury circular. It was his wish only to state, somewhat more at large than he had yet had an opportunity of doing, the views under the influence of which he had offered the proposition which is now pending before the Senate, as an amendment to the resolution of the Senator from Ohio, (Mr. EWING.) In reference to the most important objects of the Treasury circular, he regarded that measure as having done its office; and the interests of the country are now much more concerned in the provision we shall make for the future, than in any decision we may pronounce upon the past. When I had the honor some days ago, said Mr. R., of addressing a few remarks to the Senate on this subject, I said what I take great pleasure now in repeating, that, in whatever different lights the operation of the Treasury circular may have been viewed, of one thing I was thoroughly persuaded—that the motives which had induced the high functionary at the head of the Government to direct the issuing of it were in perfect consonance with that elevated and patriotic spirit which had so conspicuously marked the whole course of his public life; and that no defect of legality, in my estimation, had been shown in the authority under which it was issued. I added, also, that the measure was properly to be viewed as a temporary one, to continue in operation until the action of Congress on the whole subject could be obtained; and that the President himself, as shown by the evidence of his Message at the commencement of the session, attached no importance to its adoption as a permanent rule of policy.

One of the leading objects of the Treasury circular, at the time it was issued, was to check that tendency to extravagant bank issues and bank credits which has so signally marked the history of the last twelve or eighteen months. But, so far as that object is concerned, the same effect will now be produced in a manner not less certain, though by a process more gradual,

and therefore easier and safer to the community, by the operation of the deposit act. No one can doubt, Mr. President, that one of the chief causes of the recent over-action of the banking system in this country is to be found in the immense sums of public moneys left in the deposit banks, and which have been used and traded upon by them, as an addition of so much to their banking capitals. This is a state of things which has been eminently pernicious in all its bearings. The correction of so great an evil formed in my mind one of the strongest considerations for giving the cordial support I did to the deposit act of the last session; a measure which, however much misconceived or misrepresented in regard to its true character, has, in my opinion, conferred upon the country a double benefaction of the highest value: first, in putting out of the way of the Government the temptation, whose powerful influence we were already beginning to feel, to useless, extravagant, and anti-republican expenditure; and, secondly, in taking from the deposit banks that gratuitous and artificial increment of their capitals, which has been a main cause of the unnatural distention of our paper currency, and of that inordinate spirit of speculation which has prevailed through the country. In gradually withdrawing, as we now are doing by the act of the last session, these large amounts of the public treasure from the possession of the deposit banks, and in avoiding, as, I trust, by a wise and provident legislation, we shall do, the accumulation of any idle surplus in future, the Government will take away the stimulus which itself has given to the excessive issues and credits of the banks; and we may then hope that, under the salutary control of the laws of trade, they will return within those safe, proper, and natural limits which the business of the community requires.

While on this branch of the subject, Mr. President, I will make one other observation. However necessary or desirable the contraction of our paper circulation may be, (if it be, indeed, in the large excess which is supposed by many,) it must be borne in mind that there is no operation more delicate than the reduction of the currency of a country. A decreasing circulating medium, it is agreed alike by theoretical writers and by enlightened practical men, is precisely that condition in the moneyed affairs of a community which is the most critical and distressing. It is a transition from high to low prices, from a certain and liberal reward of labor to diminished wages and precarious employment, from active and prospering industry to general languor and depression in all the operations of business. It is a change to which society always adjusts itself slowly and painfully; and, under the most favorable circumstances, must be attended with distress—often with extensive ruin. Great caution, therefore, is necessary, lest it be unduly precipitated in its progress, or harshly aggravated in its effects. We have, in the history of our own country, at

a period not too remote for the recollection of most of us, a memorable example of the distressing effects of a rapid reduction of the circulating medium. It is strikingly exhibited, in all its details, in the able report of Mr. Crawford, then Secretary of the Treasury, on the currency, in 1820. It is there shown that the circulation of the country, in the three years from 1816 to 1819, had been brought down from 110 millions in the former, to 45 millions in the latter; making the enormous reduction of 65 millions within that short period! The scene of wide-spread ruin and distress which ensued is fresh in the memories of all who witnessed it. It inculcates, at least, the necessity of caution in the action of the Government on this subject. It is our duty to withdraw from the banking operations of the country that artificial stimulant which the Government itself has administered; but that being done, a just policy, in general, requires that the concerns of trade should be left to regulate themselves by their own natural and remedial laws.

Regarding, then, the Treasury circular as having mainly done its office, we are now called upon to establish some permanent and equal rule for the collection of the public revenues. It is a duty which we cannot evade if we would. In the joint power which the constitution invests in Congress, to "lay and collect" taxes, our duty is read to us in terms too significant to be mistaken. It is as much a part of the legislative authority to say in what manner and by what rule the collection of the public revenue shall be effected, as to say to what amount and from sources it shall be raised. Important as such a regulation is at all times, it derives, at the present moment, a particular interest from its close connection with the subject of the currency. It is in that connection that all who have participated in this debate, have discussed this question before the Senate; and it is doubtless in that connection that the public attention is turned with most anxiety to our decision upon it. I feel, Mr. President, all the magnitude and all the difficulty of this great question of the currency. There is none that rises higher in importance, or descends more deeply into the interests of society. It "comes home to the business and the bosoms of men." It affects alike the humblest laborer and the wealthiest capitalist; on it depend the security of property, the stability of contracts, the comfort and support of families, and, I will add, in a great degree, the public morals; for nothing, in my opinion, is more calculated to unsettle the moral sense and habits of a community than the dispositions and pursuits fostered by the lottery of a fluctuating currency. In approaching such a subject, I feel all the diffidence which a just sense of its difficulty and importance properly inspires. But, having submitted to the Senate a proposition which, if adopted, would, I flatter myself, exert no small influence on this great interest; and as the friends of the administration (myself among the number) have

been accused of entertaining visionary, impracticable, and pernicious notions in regard to a reform of the currency, I must beg the indulgence of the Senate while I state, with as much precision as I may, the views of that reform which I entertain, and which have determined the shape of the proposition now under their consideration.

In discussing the question of a reform of the currency, it is necessary to settle our ideas clearly as to two things: first, the nature and extent of the end to be aimed at; secondly, the means by which it is to be attained. If I am asked, what is the end I propose, whether I am in favor of a specie circulation exclusively, and the total suppression of bank paper, I answer, No. Even if such an object were desirable, it is plainly impracticable. In the present state of commercial progress and refinement throughout the world, it would probably be impracticable anywhere; but in this country, and under our system of government especially, it is obviously wholly unattainable. Whether right or wrong, we find twenty-six independent State Legislatures possessed of the power to create banking corporations. Whatever speculative doubts may exist in the minds of some as to the constitutional validity of this power, the States now actually possess and exercise it, as they have invariably done from the foundation of the Government, and there is not the slightest probability that they will ever be divested of it. In every sober and practical scheme of policy, we must proceed upon the assumption that this independent State power will remain. How, then, can the banking system be suppressed by this Government? Such a notion, if entertained anywhere, would indeed be Utopian and visionary.

My object, then, would be, not the destruction of the banking system and the total suppression of bank paper, but an efficient regulation of it, and its restriction to safe and proper limits; not the exclusive use of specie as a circulating medium, but such a substantial enlargement and general diffusion of it in actual circulation, as would make it the practical currency of common life, the universal medium of ordinary transactions; in short, the money of the farmer, the mechanic, the laborer, and the tradesman; while the merchant should be left in the enjoyment of the facilities of a sound and restricted paper currency for his larger operations. Such a reformation in the currency as this would, in my opinion, be productive of the most beneficial results. It would give security to the industrious classes of society for the products of their labor, against the casualties incident to the paper system. The laborer, in returning to the bosom of his family from his weekly toil, would no longer find his slumbers broken by the apprehension that the hard earnings of the week, perhaps the accumulation of long years of honest industry, might be dissipated in a moment by the explosion of a bank, or the bursting of some paper bubble. It would give security, to a great extent, to the

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whole body of the community against those disastrous fluctuations in the value of property and contracts, which arise from the ebbs and flows of an unrestricted paper currency. It would give security to the banks themselves, by providing them, in the daily internal circulation of the country, an abundant and accessible fund for recruiting their resources, whenever they should be exposed to an extraordinary pressure.

This, sir, is the happy state of things we might promise ourselves from replacing (as it is the aim of the proposition which I have had the honor to submit to do) all bank bills, under the denomination of twenty dollars, with a solid circulation of gold and silver. Is there any thing wild, any thing visionary, any thing pernicious, in such a system of currency as this? It has the sanction, Mr. President, of the profoundest writers on questions of political economy, and has received the practical assent of the wisest nations. I am well aware that it would ill become me to present for the consideration of the Senate any scheme which was not thus tested and approved. Of all the writers who have treated and examined questions of this character, none possess so high an authority as the author of the "Wealth of Nations." It has been well and justly said that Adam Smith had done for the science of political economy what Bacon and Newton had done for physical science, and Sydney and Locke for the science of government and the fundamental principles of civil and political liberty. His work, appearing contemporaneously with the American Revolution, was deeply imbued with the free spirit and the large and vigorous thought which so remarkably distinguished that great era. He came forth as the zealous and powerful champion of free trade, the inflexible opponent of monopoly and restriction, in all their multiplied forms, the ardent advocate of every thing that is liberal, generous, and popular, in the institutions of society and the intercourse of nations. No work has ever exercised so large an influence for good on the policy and destiny of nations; and none, I am sure, considering the stamp of liberty as well as wisdom impressed upon it, is better entitled to the respect of an assembly of American legislators. Adam Smith, by a strange mistake, has been held up, rather opprobriously, as the advocate of a paper system—as the founder, in fact, of the paper school! Sir, there can be no greater mistake than this. While he recognized the utility of a judicious system of banking, in liberating and putting into productive employment capital which would otherwise remain dead and inactive, and the facilities it is calculated to afford to commerce, he yet insists that the general circulation of the country should be gold and silver.

As the general principles he has laid down on the subjects of banking and currency continue still to be appealed to by the enlightened writers who have followed him, as affording the soundest exposition of those subjects, whatever modifications of subordinate points may

have been made by subsequent inquirers, I will give to the Senate, and principally in the words of Adam Smith himself, an outline of his system of currency. After speaking of the advantages to be expected from a judicious and properly conducted system of banking, he says expressly, that "the commerce and industry of a country are not so secure when suspended, as it were, on the Dædalian wings of paper money, as when they travel about on the solid ground of gold and silver." He says, therefore, it is the policy of wise Governments "to guard, not only against that excessive multiplication of paper money which ruins the very banks which issue it, but even against that multiplication of it which enables them to fill the greater part of the circulation of the country with it." He then proceeds to show that "the circulation of every country may be considered as divided into two different branches: the circulation of the dealers with one another, and the circulation between the dealers and consumers." His next position is, "that paper money may be so regulated as either to confine itself very much to the circulation between the different dealers, or to extend itself likewise to a great part of that between the dealers and consumers." The regulation is effected by fixing the denomination of the notes permitted to be issued. "It were better," he adds, "that no bank notes were issued in any part of the kingdom for a smaller sum than five pounds. Paper money would then confine itself to the circulation between the different dealers;" and where this is the case, he says, "there is always plenty of gold and silver." "But where it extends itself to a considerable part of the circulation between dealers and consumers, it banishes gold and silver almost entirely from the country." The system of Adam Smith, then, resolves itself into this: that the circulation between dealer and dealer may be of paper, but that the circulation between dealer and consumer should be of the precious metals; that this result ought to be secured by prohibiting the issue of bank notes for a less sum than five pounds, and that, if such a restriction be adopted, there "will always be plenty of gold and silver" in circulation, performing all the offices of exchange in the "ordinary transactions" of society, while the use of paper would be confined to commercial operations of a larger scale. Instead of being the advocate, far less the founder, of an unrestricted paper system, he urges the necessity of confining it to commercial accommodation in the larger transactions between dealer and dealer. He is in favor of the suppression of all bank notes under five pounds; whereby gold and silver will fill the ordinary channels of circulation, and become, in fact, the common practical currency of the country.

But this system does not rest on the authority of Adam Smith alone. Not to mention the illustrious names or the policy of other enlightened nations in support of it, it has received the successive sanction of a long line of the

ablest practical statesmen in England. It is a remarkable fact, that the great work of Adam Smith having appeared in 1776, the Parliament of Great Britain, in the very next year, passed a law prohibiting all bankers from issuing notes under the denomination of five pounds. This continued to be the legislative policy of that country till the memorable year of 1797, when, in consequence of the exigencies and embarrassments of that tremendous conflict, growing out of the French revolution, which desolated and convulsed Europe for more than twenty years, the Bank of England, with the sanction of the Government, suspended specie payments; and, at the same time, resorted to an issue of one-pound and two-pound notes. As soon, however, as the war was at an end, and the country was in a situation to admit of the resumption of specie payments by the bank, the enlightened statesmen of England resorted to the prohibition of all notes under the denomination of five pounds. This return to a sound policy, however, was not accomplished, nor has it been maintained, without encountering a strenuous and persevering opposition.

There is something so instructive in the history of this reform of the currency in England, that it deserves to be traced somewhat more in detail. In 1819, a law was passed directing a complete resumption of specie payments by the bank in three years, to wit, in 1822; and at the same time it was enacted that in two years after, to wit, in 1824, all small notes under the denomination of five pounds should be prohibited. The first provision was carried fully into effect at the designated period; but such was the influence of the country bankers, and other associated interests, that, before the appointed time for the suppression of the small notes arrived, the latter provision was repealed, and the final suppression of the small notes was adjourned to 1833, the year of the expiration of the charter of the Bank of England. But the great commercial convulsion of 1825, which swept banks, merchants, farmers, every thing, before it, with the destructive fury of a tornado, soon after occurred, and forcibly admonished British statesmen of the necessity of seeking a remedy—in part, at least—in a more solid constitution of their currency. Accordingly, in the beginning of 1826, Lord Liverpool and Mr. Robinson, the one the first Lord of the Treasury, the other the Chancellor of the Exchequer, introduced and carried a bill providing for the prohibition, after April, 1829, of all small notes under the denomination of five pounds. This law was stoutly and zealously opposed at the time of its enactment, and repeated attempts were subsequently made to procure its repeal, before the period fixed for its operation. But these efforts were happily unavailing; and the doctrine of Adam Smith, in regard to the prohibition of all notes under the denomination of five pounds, re-established in 1829, after experiencing the bitter fruits of a temporary departure from it, may now be

considered as the final and settled policy of the British Government. It has received the sanction and support of her ablest statesmen—of Liverpool, of Peel, of Canning, of Huskisson, of Brougham, of Wellington—all of whom, upon the fullest experience and consideration, have, from time to time, borne their testimony to the value and importance of this essential restriction upon a paper circulation.

And what has been the result in practice? Why, to give to the people of England virtually a metallic currency; for gold and silver form there the daily habitual medium of all ordinary transactions. A bank note, except on special occasions, is a sort of phenomenon. On this point we have precise information. It appears, from statistical returns referred to by the Chancellor of the Exchequer in the House of Commons, a few years ago, that the amount of gold then in circulation was twenty-two millions of pounds sterling, and of silver eight millions of pounds sterling. I do not speak of gold and silver locked up in the vaults of banks; but of that which passes daily from hand to hand, in the ordinary transactions of business. Mr. Gallatin, in his instructive pamphlet on the currency, published in 1830, states the metallic circulation of England at precisely the same amount. Allowing nothing for any augmentation since, the people of England have, then, an actual circulating medium of gold and silver to the amount of about one hundred and fifty millions of dollars. The Secretary of the Treasury, (who, doubtless, has access to the most authentic sources of information on the subject,) in his annual report at the commencement of the session, states the whole paper circulation of England, at this time, at one hundred and fifty-two millions of dollars. We may, therefore, conclude that what Mr. Gallatin says, in the pamphlet thus referred to, is substantially correct—that, “by the suppression of all notes of a less denomination than £5 sterling, the amount of the circulating metallic currency in England has become equal to that of bank notes of every description.” One-half of the entire circulation consists of gold and silver, constantly passing from hand to hand, and performing all the offices of exchange in the ordinary business of life, and thus forming, in fact, the practical currency of the country. It is this large infusion of the precious metals which has preserved the currency of England, in the main, in a healthy condition, under a system of banking which her prime minister himself, (Lord Liverpool,) in 1826, pronounced to be, in other respects, “the most insecure, the most rotten, the very worst, which it is possible to conceive.”

It is this abundant supply of the precious metals, filling and saturating the ordinary channels of circulation, which I desire to see brought about in our own country. That is the end to be aimed at. What are the means by which it is to be accomplished? We have seen that in England it has been accomplished

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by the prohibition of all bank notes of a less denomination than £5. Similar means will, doubtless, accomplish the same end here; and, I must add, nothing else will. It is in vain to expect to bring gold and silver coins into circulation, without a previous suppression of all notes of corresponding denominations. The reason is obvious. If there exist in any country two distinct currencies, both of them answering equally well the purposes of domestic circulation, but one of them possessing only a local value, confined to the country of its emission, while the other has a universal and equal value throughout the world, the latter will necessarily go abroad into the commerce of the world, in quest of the riches and productions of foreign nations, leaving the former at home to perform an office which it does equally as well, though it would be wholly without use or value abroad. The total incompatibility, therefore, of a paper and metallic currency of the same denominations, has grown into an axiom. Edmund Burke, (whose sagacity in questions of this sort is well known,) at the memorable period of the bill brought forward by Mr. Pitt for the suspension of specie payments by the Bank of England, in 1797, in a letter written during his last illness to Mr. Canning, which the latter gentleman brought most touchingly to the notice of the House of Commons, in a debate of great interest and instruction, on this whole subject, at a much more recent period, (1826,) used these memorable words: "Tell Mr. Pitt that, if he consents to the issue of one-pound notes, he will never see a guinea again." The prophecy, sir, became history. No one saw a guinea in circulation in England while the bank continued the issue of one-pound notes.

In 1828, when a great struggle again took place in the British Parliament, on the final consummation of the effort to restore a metallic currency, there was not a single distinguished man who did not bear his testimony to the truth of Mr. Burke's axiom. The Chancellor of the Exchequer said, on that occasion, "there was a natural antipathy between the one-pound note and the sovereign. They would not exist together, for the note soon drove the sovereign out of circulation." The Duke of Wellington, who was eminently a practical man, and spoke from the teachings of experience, said "the experience of the last few years had proved the truth of the theory, that one-pound notes and gold sovereigns would not circulate at the same time. If you are to have gold in circulation, you cannot have one-pound notes." Mr. Huskisson, whose familiarity with questions of this sort was the result of profound studies, as well as matured experience, said, still more pointedly, "when the paper is let in, the gold will disappear. They might vote the money, they might coin it, but how could they retain it in the country?" This remark applies most forcibly to our present situation. We have voted the metallic money, we have coined it, but it

will not circulate. Since we corrected, by law, the under-valuation of the gold coins, (but little more than two years ago,) the quantity of gold in the country, according to the late annual report of the Secretary of the Treasury, has increased fifteen millions. We have coined at our own mint, within that time, according to the same authority, ten millions of gold. But where is it? In the vaults of the banks, or hoarded by individuals! and we shall never see it in circulation until we have opened the way for it by a previous suppression of the small notes. If we mean to do any thing practical and effectual for introducing a more general circulation of specie, we must begin at the right end, by first putting down the small-note circulation.

WEDNESDAY, January 11.

Mr. KENT presented the credentials of JOHN H. SPENCE, elected by the Legislature of Maryland a Senator from that State, to fill the place vacated by the death of Hon. R. H. GOLDSBOROUGH, till the 4th of March next.

Texas Independence.

Mr. WALKER submitted the following resolution, which lies on the table one day, for consideration:

Resolved, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent Governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against the said State, it is expedient and proper, and in perfect conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States."

THURSDAY, January 12.

Expunging Resolution.

[The resolution and the preamble were the same which had been presented at the previous session, and which it is unnecessary to repeat.]

The resolution and preamble having been read, Mr. BENTON said: Mr. President, it is now near three years since the resolve was adopted by the Senate, which it is my present motion to expunge from the journal. At the moment that this resolve was adopted, I gave notice of my intention to move to expunge it; and then expressed my confident belief that the motion would eventually prevail. That expression of confidence was not an ebullition of vanity, or a presumptuous calculation, intended to accelerate the event it affected to foretell. It was not a vain boast, or an idle assumption, but was the result of a deep conviction of the injustice done President Jackson, and a thorough reliance upon the justice of the American people. I felt that the President had been wrong-

ed; and my heart told me that this wrong would be redressed. The event proves that I was not mistaken. The question of expunging this resolution has been carried to the people, and their decision has been had upon it. They decide in favor of the expurgation; and their decision has been both made and manifested, and communicated to us in a great variety of ways. A great number of States have expressly instructed their Senators to vote for this expurgation. A very great majority of the States have elected Senators and Representatives to Congress, upon the express ground of favoring this expurgation. The Bank of the United States, which took the initiative in the accusation against the President, and furnished the material and worked the machinery which was used against him, and which was then so powerful on this floor, has become more and more odious to the public mind, and musters now but a slender phalanx of friends in the two Houses of Congress. The late presidential election furnishes additional evidence of public sentiment. The candidate who was the friend of President Jackson, the supporter of his administration, and the avowed advocate for the expurgation, has received a large majority of the suffrages of the whole Union, and that after an express declaration of his sentiments on this precise point. The evidence of the public will, exhibited in all these forms, is too manifest to be mistaken, too explicit to require illustration, and too imperative to be disregarded. Omitting details and specific enumeration of proofs, I refer to our own files for the instructions to expunge—to the complexion of the two Houses for the temper of the people—to the denationalized condition of the Bank of the United States for the fate of the imperious accuser—and to the issue of the presidential election for the answer of the Union. All these are pregnant proofs of the public will; and the last pre-eminently so—because both the question of the expurgation and the form of the process were directly put in issue upon it. A representative of the people from the State of Kentucky formally interrogated a prominent candidate for the presidency on these points, and required from him a public answer, for the information of the public mind. The answer was given, and published, and read by all the voters before the election; and I deem it right to refer to that answer in this place, not only as evidence of the points put in issue, but also for the purpose of doing more ample justice to President Jackson, by incorporating into the legislative history of this case the high and honorable testimony in his favor of the eminent citizen who has just been exalted to the lofty honors of the American presidency:

“Your last question seeks to know ‘my’ opinion as to the constitutional power of the Senate or House of Representatives to expunge or obliterate from the journals the proceedings of a previous session.

“You will, I am sure, be satisfied, upon further consideration, that there are but few questions of a

political character less connected with the duties of the office of President of the United States, or that might not with equal propriety be put by an elector to a candidate for that station, than this. With the journals of neither House of Congress can he properly have any thing to do. But as your question has doubtless been induced by the pendency of Colonel Benton’s resolutions to expunge from the journals of the Senate certain other resolutions touching the official conduct of President Jackson, I prefer to say that I regard the passage of Colonel Benton’s preamble and resolutions to be an act of justice to a faithful and greatly injured public servant, not only constitutional in itself but imperiously demanded by a proper respect for the well-known will of the people.”

I do not propose, sir, to draw violent, unwarranted, or strained inferences. I do not assume to say that the question of this expurgation was a leading or a controlling point in the issue of this election. I do not assume to say, or insinuate, that every individual, and every voter, delivered his suffrage with reference to this question. Doubtless there were many exceptions. Still, the triumphant election of the candidate who had expressed himself in the terms just quoted, and who was, besides, the personal and political friend of President Jackson, and the avowed approver of his administration, must be admitted to a place among the proofs in this case, and ranked among the high concurring evidences of the public sentiment in favor of the motion which I make.

Assuming, then, that we have ascertained the will of the people on this great question, the inquiry presents itself, how far the expression of that will ought to be conclusive of our action here. I hold that it ought to be binding and obligatory upon us; and that, not only upon the principles of representative government, which require obedience to the known will of the people, but also in conformity to the principles upon which the proceeding against President Jackson was conducted, when the sentence against him was adopted. Then, every thing was done with special reference to the will of the people. Their impulsion was assumed to be the sole motive to action, and to them the ultimate verdict was expressly referred. The whole machinery of alarm and pressure, every engine of political and moneyed power, was put in motion, and worked for many months, to excite the people against the President, and to stir up meetings, memorials, petitions, travelling committees, and distress deputations, against him; and each symptom of popular discontent was hailed as an evidence of public will, and quoted here as proof that the people demanded the condemnation of the President. Not only legislative assemblies, and memorials from large assemblies, were then produced here as evidence of public opinion, but the petitions of boys under age, the remonstrances of a few signers, and the results of the most inconsiderable elections, were ostentatiously paraded and magnified as the evidence of the sovereign will of our constituents. Thus,

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sir, the public voice was every thing, while that voice partially obtained through political and pecuniary inachinations, was adverse to the President. Then, the popular will was the shrine at which all worshipped. Now, when that will is regularly, soberly, repeatedly, and almost universally, expressed through the ballot-boxes, at the various elections, and turns out to be in favor of the President, certainly no one can disregard it, nor otherwise look at it than as the solemn verdict of the competent and ultimate tribunal, upon an issue fairly made up, fully argued, and duly submitted for decision. As such verdict, I receive it. As the deliberate verdict of the sovereign people, I bow to it. I am content. I do not mean to reopen the case, nor to recommence the argument. I leave that work to others, if any others choose to perform it. For myself, I am content; and, dispensing with further argument, I shall call for judgment, and ask to have execution done upon that unhappy journal, which the verdict of millions of freemen finds guilty of bearing on its face an untrue, illegal, and unconstitutional sentence of condemnation against the approved President of the republic.

But, while declining to reopen the argument of this question, and refusing to tread over again the ground already traversed, there is another and a different task to perform; one which the approaching termination of President Jackson's administration makes peculiarly proper at this time, and which it is my privilege, and perhaps my duty, to execute, as being the suitable conclusion to the arduous contest in which we have been so long engaged: I allude to the general tenor of his administration, and to its effect, for good or for evil, upon the condition of his country. This is the proper time for such a view to be taken. The political existence of this great man now draws to a close. In little more than forty days he ceases to be a public character. In a few brief weeks he ceases to be an object of political hope to any, and should cease to be an object of political hate, or envy, to all. Whatever of motive the servile and time-serving might have found in his exalted station for raising the altar of adulation, and burning the incense of praise before him, that motive can no longer exist. The dispenser of the patronage of an empire—the chief of this great confederacy of States—is soon to be a private individual, stripped of all power to reward or to punish. His own thoughts, as he has shown us in the concluding paragraph of that message which is to be the last of its kind that we shall ever receive from him, are directed to that beloved retirement from which he was drawn by the voice of millions of freemen, and to which he now looks for that interval of repose which age and infirmities require. Under these circumstances, he ceases to be a subject for the ebullition of the passions, and passes into a character for the contemplation of history. Historically, then, shall I view him; and, limiting this view to his civil administration, I

demand where is there a chief magistrate of whom so much evil has been predicted, and from whom so much good has come? Never has any man entered upon the chief magistracy of a country under such appalling predictions of ruin and woe! never has any one been so pursued with direful prognostications! Never has any one been so beset and impeded by a powerful combination of political and moneyed confederates! Never has any one in any country, where the administration of justice has risen above the knife or the bow-string, been so lawlessly and shamelessly tried and condemned by rivals and enemies, without hearing, without defence, without the forms of law or justice! History has been ransacked to find examples of tyrants sufficiently odious to illustrate him by comparison. Language has been tortured to find epithets sufficiently strong to paint him in description. Imagination has been exhausted in her efforts to deck him with revolting and inhuman attributes. Tyrant, despot, usurper; destroyer of the liberties of his country; rash, ignorant, imbecile; endangering the public peace with all foreign nations; destroying domestic prosperity at home; ruining all industry, all commerce, all manufactures; annihilating confidence between man and man; delivering up the streets of populous cities to grass and weeds, and the wharves of commercial towns to the encumbrance of decaying vessels, depriving labor of all reward; depriving industry of all employment; destroying the currency; plunging an innocent and happy people from the summit of felicity to the depths of misery, want, and despair. Such is the faint outline, followed up by actual condemnation, of the appalling denunciations daily uttered against this one man, from the moment he became an object of political competition, down to the concluding moment of his political existence.

The sacred voice of inspiration has told us that there is a time for all things. There certainly has been a time for every evil that human nature admits of to be vaticinated of President Jackson's administration; equally certain, the time has now come for all rational and well-disposed people to compare the predictions with the facts, and to ask themselves if these calamitous prognostications have been verified by events? Have we peace, or war, with foreign nations? Certainly, we have peace! peace with all the world! peace with all its benign, and felicitous, and beneficent influences! Are we respected or despised abroad? Certainly the American name never was more honored throughout the four quarters of the globe, than in this very moment. Do we hear of indignity or outrage in any quarter? of merchants robbed in foreign ports? of vessels searched on the high seas? of American citizens impressed into foreign service? of the national flag insulted anywhere? On the contrary, we see former wrongs repaired; no new ones inflicted. France pays twenty-five millions of francs for spoiliations committed thirty years ago; Naples

pays two millions one hundred thousand ducats for wrongs of the same date; Denmark pays six hundred and fifty thousand rixdollars for wrongs done a quarter of a century ago; Spain engages to pay twelve millions of reals velon for injuries of fifteen years' date; and Portugal, the last in the list of former aggressors, admits her liability, and only waits the adjustment of details to close her account by adequate indemnity. So far from war, insult, contempt, and spoliation, from abroad, this denounced administration has been the season of peace and good will, and the auspicious era of universal reparation. So far from suffering injury at the hands of foreign powers, our merchants have received indemnities for all former injuries. It has been the day of accounting, of settlement, and of retribution. The long list of arrearages, extending through four successive previous administrations, has been closed and settled up. The wrongs done to commerce for thirty years back, and under so many different Presidents, and indemnities withheld from all, have been repaired and paid over under the beneficent and glorious administration of President Jackson. But one single instance of outrage has occurred, and that at the extremities of the world, and by a piratical horde, amenable to no law but the law of force. The Malays of Sumatra committed a robbery and massacre upon an American vessel. Wretches! they did not then know that Jackson was President of the United States! and that no distance, no time, no idle ceremonial of treating with robbers and assassins, was to hold back the arm of justice. Commodore Downes went out. His cannon and his bayonets struck the outlaws in their den. They paid in terror and in blood for the outrage which was committed; and the great lesson was taught to these distant pirates—to our antipodes themselves—that not even the entire diameter of this globe could protect them! and that the name of American citizen, like that of Roman citizen in the great days of the republic and of the empire, was to be the inviolable passport of all that wore it throughout the whole extent of the habitable world.

At home the most gratifying picture presents itself to the view: the public debt paid off; taxes reduced one-half; the completion of the public defences systematically commenced; the compact with Georgia, uncomplicated since 1802, now carried into effect, and her soil ready to be freed, as her jurisdiction has been delivered from the presence and incumbrance of an Indian population. Mississippi and Alabama, Georgia, Tennessee and North Carolina, Ohio, Indiana, Illinois, Missouri, and Arkansas, in a word, all the States incumbered with an Indian population, have been relieved from that incumbrance; and the Indians themselves have been transferred to new and permanent homes, every way better adapted to the enjoyment of their existence, the preservation of their rights, and the improvement of their condition.

The currency is not ruined! On the contrary, seventy-five millions of specie in the country is a spectacle never seen before, and is the barrier of the people against the designs of any banks which may attempt to suspend payments, and to force a dishonored paper currency upon the community. These seventy-five millions are the security of the people against the dangers of a depreciated and inconvertible paper money. Gold, after a disappearance of thirty years, is restored to our country. All Europe beholds with admiration the success of our efforts, in three years, to supply ourselves with the currency which our constitution guarantees, and which the example of France and Holland shows to be so easily attainable, and of such incalculable value to industry, morals, economy, and solid wealth. The success of these efforts is styled, in the best London papers, not merely a reformation, but a revolution, in the currency! a revolution by which our America is now regaining from Europe the gold and silver which she has been sending to them for thirty years past.

Domestic industry is not paralyzed, confidence is not destroyed, factories are not stopped, workmen are not mendicants for bread and employment, credit is not extinguished, prices have not sunk, grass is not growing in the streets of populous cities, the wharves are not lumbered with decaying vessels, columns of curses, rising from the bosoms of a ruined and agonized people, are not ascending to heaven against the destroyer of a nation's felicity and prosperity. On the contrary, the reverse of all this is true! and true to a degree that astonishes and bewilders the senses. I know that all is not gold that glitters; that there is a difference between a specious and a solid prosperity. I know that a part of the present prosperity is apparent only, the effect of an increase of fifty millions of paper money forced into circulation by one thousand banks; but, after making due allowance for this fictitious and delusive excess, the real prosperity of the country is still unprecedentedly and transcendently great. I know that every flow must be followed by its ebb, that every expansion must be followed by its contraction. I know that a revulsion in the paper system is inevitable; but I know, also, that these seventy-five millions of gold and silver is the bulwark of the country, and will enable every honest bank to meet its liabilities, and every prudent citizen to take care of himself.

Turning to some points in the civil administration of President Jackson, and how much do we not find to admire! The great cause of the constitution has been vindicated from an imputation of more than forty years' duration. He has demonstrated, by the fact itself, that a national bank is not "necessary" to the fiscal operations of the Federal Government, and in that demonstration he has upset the argument of General Hamilton, and the decision of the Supreme Court of the United States, and all

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that ever has been said in favor of the constitutionality of a national bank. All this argument and decision rested upon the single assumption of the "necessity" of that institution to the Federal Government. He has shown it is not "necessary;" that the currency of the constitution, and especially a gold currency, is all that the Federal Government wants, and that she can get that whenever she pleases. In this single act he has vindicated the constitution from an unjust imputation, and knocked from under the decision of the Supreme Court the assumed fact on which it rested. He has prepared the way for the reversal of that decision; and it is a question for lawyers to answer, whether the case is not ripe for the application of that writ of most remedial nature, as Lord Coke calls it, and which was invented lest in any case there should be an oppressive defect of justice—the venerable writ of *audita querela defendantis*—to ascertain the truth of a fact happening since the judgment, and upon the due finding of which the judgment will be vacated. Let the lawyers bring their books, and answer us if there is not a case here presented for the application of that ancient and most remedial writ.

From President Jackson the country has first learned the true theory and practical intent of the constitution, in giving to the Executive a qualified negative on the legislative power of Congress. Far from being an odious, dangerous, or kingly prerogative, this power, as vested in the President, is nothing but a qualified copy of the famous veto power vested in the tribunes of the people among the Romans, and intended to suspend the passage of a law until the people themselves should have time to consider it. The qualified veto of the President destroys nothing; it only delays the passage of a law, and refers it to the people for their consideration and decision. It is the reference of the law, not to a committee of the House, or of the whole House, but to the committee of the whole Union. It is a recommitment of the bill to the people, for them to examine and consider; and if, upon this examination, they are content to pass it, it will pass at the next session. The delay of a few months is the only effect of a veto in a case where the people shall ultimately approve a law; where they do not approve it, the interposition of the veto is the barrier which saves them the infliction of a law, the repeal of which might afterwards be almost impossible. The qualified negative is, therefore, a beneficent power, intended, as General Hamilton expressly declares in the *Federalist*, to protect, first, the executive department from the encroachments of the legislative department; and, secondly, to preserve the people from hasty, dangerous, or criminal legislation on the part of their representatives. This is the design and intention of the veto power; and the fear expressed by General Hamilton was, that Presidents, so far from exercising it too often, would not exercise it

as often as the safety of the people required; they might lack the moral courage to stake themselves in opposition to a favorite measure of the majority of the two Houses of Congress, and thus deprive the people, in many instances, of their right to pass upon a bill before it becomes a final law. The cases in which President Jackson has exercised the veto power has shown the soundness of these observations. No ordinary President would have staked himself against the Bank of the United States, and the two Houses of Congress, in 1832. It required President Jackson to confront that power—to stem that torrent—to stay the progress of that charter, and to refer it to the people for their decision. His moral courage was equal to the crisis. He arrested the charter until it could go to the people, and they have arrested it forever. Had he not done so, the charter would have become law, and its repeal almost impossible. The people of the whole Union would now have been in the condition of the people of Pennsylvania, bestrode by the monster, in daily conflict with him, and maintaining a doubtful contest for supremacy between the Government of a State and the directory of a moneyed corporation.

To detail specific acts which adorn the administration of President Jackson, and illustrate the intuitive sagacity of his intellect, the firmness of his mind, his disregard of personal popularity, and his entire devotion to the public good, would be inconsistent with this rapid sketch, intended merely to present general views, and not to detail single actions, howsoever worthy they may be of a splendid page in the volume of history. But how can we pass over the great measure of the removal of the public moneys from the Bank of the United States in the autumn of 1833? that wise, heroic, and masterly measure of prevention, which has rescued an empire from the fangs of a merciless, revengeful, greedy, insatiate, implacable, moneyed power! It is a remark for which I am indebted to the philosophic observation of my most esteemed colleague and friend, (pointing to Dr. LINN,) that, while it requires far greater talent to foresee an evil before it happens, and to arrest it by precautionary measures, than it requires to apply an adequate remedy to the same evil after it has happened, yet the applause bestowed by the world is always greatest in the latter case. Of this the removal of the public moneys from the Bank of the United States is an eminent instance. The veto of 1832, which arrested the charter which Congress had granted, immediately received the applause and approbation of a majority of the Union; the removal of the deposits, which prevented the bank from forcing a re-charter, was disapproved by a large majority of the country, and even of his own friends; yet the veto would have been unavailing, and the bank would have inevitably have been rechartered, if the deposits had not been removed. The immense sums of public money since accumulated would

have enabled the bank, if she had retained the possession of it, to have coerced a recharter. Nothing but the removal could have prevented her from extorting a recharter from the sufferings and terrors of the people. If it had not been for that measure, the previous veto would have been unavailing; the bank would have been again installed in power, and this entire Federal Government would have been held as an appendage to that bank, and administered according to her directions, and by her nominees. That great measure of prevention, the removal of the deposits, though feebly and faintly supported by friends at first, has expelled the bank from the field, and driven her into abeyance under a State charter. She is not dead, but, holding her capital and stockholders together under a State charter, she has taken a position to watch events, and to profit by them. The royal tiger has gone into the jungle! and, crouched on his belly, he awaits the favorable moment for emerging from his cover, and springing on the body of the unsuspecting traveller!

The Treasury order for excluding paper money from the land offices is another wise measure, originating in an enlightened forecast, and preventing great mischiefs. The President foresaw the evils of suffering a thousand streams of paper money, issuing from a thousand different banks, to discharge themselves on the national domain. He foresaw that, if these currents were allowed to run their course, the public lands would be swept away, the Treasury would be filled with irredeemable paper, a vast number of banks must be broken by their folly, and the cry set up that nothing but a national bank could regulate the currency. He stopped the course of these streams of paper, and, in so doing, has saved the country from a great calamity, and excited anew the machinations of those whose schemes of gain and mischief have been disappointed, and who had counted on a new edition of panic and pressure, and again saluting Congress with the old story of confidence destroyed, currency ruined, prosperity annihilated, and distress produced, by the tyranny of one man. They began their lugubrious song; but ridicule and contempt have proved too strong for money and insolence; and the panic letter of the ex-president of the denationalized bank, after limping about for a few days, has shrunk from the lash of public scorn, and disappeared from the forum of public debate.

The difficulty with France: what an instance it presents of the superior sagacity of President Jackson over all the commonplace politicians who beset and impede his administration at home! That difficulty, inflamed and aggravated by domestic faction, wore, at one time, a portentous aspect; the skill, firmness, elevation of purpose, and manly frankness, of the President, avoided the danger, accomplished the object, commanded the admiration of Europe, and retained the friendship of France. He conducted the delicate affair to a successful and

mutually honorable issue. All is amicably and happily terminated, leaving not a wound, nor even a scar, behind—leaving the Frenchman and American on the ground on which they have stood for fifty years, and should forever stand; the ground of friendship, respect, good will, and mutual wishes for the honor, happiness, and prosperity of each other.

But why this specification? So beneficent and so glorious has been the administration of this President, that where to begin, and where to end, in the enumeration of great measures, would be the embarrassment of him who has his eulogy to make. He came into office the first of generals; he goes out the first of statesmen. His civil competitors have shared the fate of his military opponents; and Washington city has been to the American politicians who have assailed him, what New Orleans was to the British generals who attacked his lines. Repulsed! driven back! discomfited! crushed! has been the fate of all assailants, foreign and domestic, civil and military. At home and abroad, the impress of his genius and of his character is felt. He has impressed upon the age in which he lives the stamp of his arms, of his diplomacy, and of his domestic policy. In a word, so transcendent have been the merits of his administration, that they have operated a miracle upon the minds of his most inveterate opponents. He has expunged their objections to military chieftains! He has shown them that they were mistaken; that military men were not the dangerous rulers they had imagined, but safe and prosperous conductors of the vessel of state. He has changed their fear into love. With visible signs they admit their error, and, instead of deprecating, they now invoke the reign of chieftains. They labored hard to procure a military successor to the present incumbent; and if their love goes on increasing at the same rate, the republic may be put to the expense of periodical wars, to breed a perpetual succession of these chieftains to rule over them and their posterity forever.

To drop this irony, which the inconsistency of mad opponents has provoked, and to return to the plain delineations of historical painting, the mind instinctively dwells on the vast and unprecedented popularity of this President. Great is the influence, great the power, greater than any man ever before possessed in our America, which he has acquired over the public mind. And how has he acquired it? Not by the arts of intrigue, or the juggling tricks of diplomacy; not by undermining rivals, or sacrificing public interests for the gratification of classes or individuals. But he has acquired it, first, by the exercise of an intuitive sagacity which, leaving all book learning at an immeasurable distance behind, has always enabled him to adopt the right remedy, at the right time, and to conquer soonest when the men of forms and office thought him most near to ruin and despair. Next, by a moral courage which knew no fear when the public good beckoned him to

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go on. Last, and chiefest, he has acquired it by an open honesty of purpose, which knew no concealments; by a straight-forwardness of action, which disdained the forms of office and the arts of intrigue; by a disinterestedness of motive, which knew no selfish or sordid calculation; a devotedness of patriotism, which staked every thing personal on the issue of every measure which the public welfare required him to adopt. By these qualities, and these means, he has acquired his prodigious popularity and his transcendent influence over the public mind; and if there are any who envy that influence and popularity, let them envy, also, and emulate, if they can, the qualities and means by which they were acquired.

Great has been the opposition to President Jackson's administration; greater, perhaps, than ever has been exhibited against any Government, short of actual insurrection and forcible resistance. Revolution has been proclaimed! and every thing has been done that could be expected to produce revolution. The country has been alarmed, agitated, convulsed. From the Senate chamber to the village bar-room, from one end of the continent to the other, denunciation, agitation, excitement, has been the order of the day. For eight years the President of this republic has stood upon a volcano, vomiting fire and flames upon him, and threatening the country itself with ruin and desolation, if the people did not expel the usurper, despot, and tyrant, as he was called, from the high place to which the suffrages of millions of freemen had elevated him.

Great is the confidence which he has always reposed in the discernment and equity of the American people. I have been accustomed to see him for many years, and under many discouraging trials; but never saw him doubt, for an instant, the ultimate support of the people. It was my privilege to see him often, and during the most gloomy period of the panic conspiracy, when the whole earth seemed to be in commotion against him, and when many friends were faltering, and stout hearts were quailing before the raging storm which bank machination, and senatorial denunciation, had conjured up to overwhelm him. I saw him in the darkest moments of this gloomy period; and never did I see his confidence in the ultimate support of his fellow-citizens forsake him for an instant. He always said the people would stand by those who stand by them; and nobly have they justified that confidence! That verdict, the voice of millions, which now demands the expurgation of that sentence which the Senate and the bank then pronounced upon him, is the magnificent response of the people's hearts to the implicit confidence which he then reposed in them. But it was not in the people only that he had confidence; there was another, and a far higher Power, to which he constantly looked to save the country, and its defenders, from every danger; and signal events prove that he did not look to that high Power in vain.

Sir, I think it right, in approaching the termination of this great question, to present this faint and rapid sketch of the brilliant, beneficent, and glorious administration of President Jackson. It is not for me to attempt to do it justice; it is not for ordinary men to attempt its history. His military life, resplendent with dazzling events, will demand the pen of a nervous writer; his civil administration, replete with scenes which have called into action so many and such various passions of the human heart, and which has given to native sagacity so many victories over practised politicians, will require the profound, luminous, and philosophical conceptions of a Livy, a Plutarch, or a Sallust. This history is not to be written in our day. The contemporaries of such events are not the hands to describe them. Time must first do its office—must silence the passions, remove the actors, develop consequences, and canonize all that is sacred to honor, patriotism, and glory. In after ages the historic genius of our America shall produce the writers which the subject demands—men far removed from the contests of this day, who will know how to estimate this great epoch, and how to acquire an immortality for their own names by painting, with a master's hand, the immortal events of the patriot President's life.

And now, sir, I finish the task which, three years ago, I imposed on myself. Solitary and alone, and amidst the jeers and taunts of my opponents, I put this ball in motion. The people have taken it up, and rolled it forward, and I am no longer any thing but a unit in the vast mass which now propels it. In the name of that mass I speak. I demand the execution of the edict of the people; I demand the expurgation of that sentence which the voice of a few Senators, and the power of their confederate, the Bank of the United States, has caused to be placed on the journal of the Senate, and which the voice of millions of freemen has ordered to be expunged from it.

FRIDAY, January 13.

The CHAIR presented the credentials of THOMAS CLAYTON, elected a Senator from Delaware, in the place of the Hon. JOHN M. CLAYTON, resigned.

Expunging Resolution.

The Senate proceeded to the further consideration of the special order, the expunging resolution of Mr. BENTON.

Mr. DANA addressed the Chair as follows:

Mr. President: Having so recently taken a seat in this chamber, and having neither inclination nor skill for public debate, I should most gladly have given a silent vote on this subject; but, sir, the citizens of the State which I, in connection with my colleague, have the honor to represent, take a deep and lively interest in this question, and I should be thought remiss in my duty, and regardless of their feelings, were

I to remain silent upon it. Maine, sir, is at one extremity of the Union, in a high latitude and cold climate; but, sir, she has a fertile soil, immense forests of timber, with her thousand streams to bear it to the ocean; she is a border State, skirted by the dominion of his Britannic Majesty; she has a large territory (if she was permitted to enjoy it) and a boundless seaboard, indented with numberless bays and harbors, filled with ship yards, ships, and commerce; these lead her citizens to an intercourse with the subjects of their royal neighbor, and by them we are told that we have no Government; that our "King is deposed;" that our President has been tried and condemned by our Senate, and that soon we shall come under the dominion of their king. However gratifying this thought may be to some in our Union, it has but few advocates with us. This leads the hardy, industrious, inquisitive citizens of the East to inquire, what has our beloved President done? Is it true that the Senate have condemned him? Can it be that he, who has triumphantly carried us through so many perils, and always been the people's friend, has betrayed us at last? Let us look into it; let us examine the subject! With this inquiring spirit, so peculiar to the people of the North, my constituents will be satisfied with nothing short of a fair and full investigation of this subject, and a just and impartial decision of the same. And that I may the more readily come to the investigation of it, and not wander from it, I ask permission to have the resolution of March 28, 1834, read from the desk.

This resolution (in these words: "*Resolved*, That the President, in the late proceeding in relation to the revenue, has assumed on himself authority and power not conferred by the constitution and laws, but in derogation of both") holds up the President to the people as a usurper; as a violator of that constitution which he has sworn to support.

My first inquiry, Mr. President, is, how was this resolution passed? In what capacity did this honorable Senate act when they passed it? This body has a legislative and executive character, and, in one instance, and in one alone, a judicial character, viz: the trying of impeachments. Although the Senate has a legislative character, yet it is presumed that this body would not act in that capacity only on subjects of legislation. And this surely could not be such; there is no matter on which legislative action could be had. If the President was guilty of a violation of the constitution and laws, if he had committed high crimes and misdemeanors, no legislation would reach him; he must be tried by the constitution and the laws, as they existed at the time of his supposed offence. To me it is clear that this honorable body had no legislative jurisdiction on this subject. Did they then act in their executive capacity? No, sir; for their records show no such proceedings in the executive business. He must have been tried, then, by this honor-

able Senate in their judicial capacity; and this body has the sole power to try all indictments given it by the constitution, and when sitting for that purpose, in their judicial character. The rules of procedure, as adopted December 31, 1804, in this honorable Senate, to be observed in cases of impeachment, require "that at 12 o'clock of the day appointed for the trial of the impeachment, the legislative and executive business shall be suspended," and the Secretary shall then administer the following oath to the President of the Senate: "You solemnly swear (or affirm) that in all things appertaining to the trial of the impeachment of ———, you will do impartial justice, according to the constitution and laws of the United States; and the President shall administer the said oath to each Senator present." This clearly shows, Mr. President, the views which this honorable body had heretofore entertained of their own powers, and at a time, too, when they were cool and dispassionate, and about to exercise their high judicial functions. Here, sir, you find an important fact, that the Senate never did exercise their legislative and judicial functions at the same time; they are distinct in their natures, and have ever been so considered by this honorable body, and so exercised by them until the 28th of March, 1834, when, for some purpose, of which I will not now speak, for the first time, (and God grant that it may be for the last,) the legislative and judicial functions of this body, contrary to their own rules of procedure, and in violation of the constitution, were exercised at one and the same time, and a judicial sentence is clothed in legislative language. If the object was, sir, to bring a bold offender to justice, why not pursue the legal and constitutional course? Why violate both? But if the object was to exhibit the President as a daring usurper, and unworthy of the confidence of the people, this scheme, this project, would seem to have been the most probable to accomplish it. But it has failed, totally failed.

Again, sir, another rule of this body, adopted at the same time as the former, requires that a summons shall be issued to the person accused, which summons shall be signed by their Secretary, sealed with their seal, and served by the Sergeant-at-arms. This rule also shows clearly that this honorable body never contemplated the exercise of their legislative and judicial functions at the same time. Then, sir, if this position is correct, the sentence of condemnation contained in this resolution was a judicial act, and could only have been done by a judicial tribunal.

Again, sir, it is the right of the accused to have the offence with which he is charged clearly and substantially set forth, and to be duly notified of the time and place of trial; to have an opportunity to appear before this august tribunal, hear the allegations and proofs against him, and confront his accusers, face to face, and then to make his defence. Now, Mr. President, let me ask, when the Chief Magis-

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trate of this nation was condemned, in the resolution proposed to be expunged, did this honorable body suspend legislative and executive business? Did they organize themselves as a judicial tribunal? Did the President of the Senate take the above oath, prescribed by the rules of this honorable body? Did he administer the same to each Senator present? Was the accused furnished with a full and clear description of the charges brought against him? Was he notified of the time and place of trial? And was he permitted to face his accusers? If not, then, sir, permit me to ask, has he been tried by the rules presented by this honorable body? No, sir; he has been tried and condemned for a violation of the constitution and laws of his country, which he had sworn to support, contrary to our own rules—rules which this body had adopted for the trial of such offenders as he is accused of being.

Mr. President, having shown that the President was tried and condemned without form, I will now inquire if he has been tried according to the provisions of the constitution and laws of our country. In what cases, let me ask, can this honorable Senate act in their judicial capacity? Let the constitution answer: "The Senate shall have the sole power to lay all impeachments;" and that instrument conveys to this body no authority to try only in cases of impeachment. Here is the extent of our power, and here is our authority limited. Yes, sir, we can try impeachments, and impeachments only; but, sir, can the Senate originate impeachments? No, sir, they cannot. The constitution has declared, in so many words, that "the House of Representatives shall have the sole power of impeachment." Have they exercised that power? Have they accused the President of "assuming on himself authority and power not conferred by the constitution and laws, and in derogation of both?" Have they impeached him for so doing? Where is the evidence of it? Have they notified the Senate of such impeachment? No, sir, they have not done it. The impeaching power has never acted in this case. They have not accused the President of any offence whatever. Where, then, sir, I ask, is our jurisdiction? We have no power to try, until the House—the accusing power—have impeached; none at all, not the shadow of any jurisdiction. Can it be, sir, that without even the forms prescribed by this honorable body, without an impeachment, without an accusation of any kind, we have assumed jurisdiction, tried, and condemned the President of the United States for a violation of the constitution and laws of his country? And shall this resolution remain on our journals, or shall it be expunged? Can this be done? Has this Senate a right to do it? There is no rule of more general application than this. The power which creates can destroy—the power which can make can unmake—the power which puts up, can put down—and why should not this rule apply as well to records as to all other cases?

unless, sir, it should be a record of vested rights, about which we have recently been so highly entertained; and I cannot perceive that there are any vested rights contained in this resolution. I think the accused will claim none in this case.

I apprehend, sir, that every legislative, executive, and judicial body have a right to alter, strike out, insert, erase, correct, and amend, their records. It is an inherent, co-ordinate power, without which such bodies could not exist, and transact their business. Is there a time limited, within which such alterations and amendments should be made? If so, what is the time? A day? a month? a year? In the history of records, no such limit is fixed. I trust, then, sir, such alterations may be made at the time deemed most proper by the body to which they belong. If, then, sir, such bodies have their records under their own control, why may they not erase, blot out, expunge, at pleasure? Is there any particular form or manner in which this shall be done? None. Then, sir, if there is no particular time limited for doing this, nor any manner prescribed in which it must be done, the time when, and the manner of doing it, are at the pleasure of the bodies to whom the records belong. If, then, sir, we have the power to expunge this resolution, is it expedient so to do?

Mr. PRESTON next arose and addressed the Senate as follows:

Nothing, Mr. President, (said he,) was farther from my intention, than to have said a single word on this subject. Nor do I now propose to discuss it. That has been done so fully and elaborately on both sides, that I shall not enter upon the argument. I thought I should not have said a word, but I feel a sort of impossibility of withholding the expression of my utter repugnance to this proceeding. If we had not arrived at the very issue; if the question were not ready to be taken, I should have retained my seat, for I have long been endeavoring to school and to subdue my heart down to this submission. During the entire course of events which has gradually brought my mind to the conclusion that this resolution would at some time pass, I have endeavored to discipline my feelings, to curb and restrain them, and bring down my mind to the event, so that, when at last the sad moment should arrive, I might meet it with a becoming resignation; and I did suppose that I had succeeded. I had long seen the growing popularity of this measure. I was no stranger to the arts and the industry by which the progress of that popularity had been stimulated and urged on from day to day. I well knew the power and the popularity of the Chief Magistrate. I had heard of his own personal exertions to promote this object. I saw that it was resolved upon as a party measure, and I saw the party which had resolved upon it rapidly and triumphantly succeeding throughout a large part of the Union. These things certainly are sufficient to have forewarned me, and I had

hoped, and till this moment believed, that they had forearmed me also. But there was added to all these the still less equivocal evidence arising from the proceedings of several of the State Legislatures. Sir, when first I heard that a State Legislature had instructed her Senators on this floor to vote in favor of this thing, it struck me with inexpressible sorrow and dismay. But when I from time to time beheld various other State Legislatures, acting under the same dictation, or at least misled into the same mistake, sorrow assumed in my bosom the complexion of despair. But there was still one ingredient to be added to this cup, to render the odious draught more intolerably bitter. I could, I will confess it, with some comparative degree of philosophy, have seen certain States of this confederacy one after another giving away, and bringing their successive sacrifices to this altar of executive power. I could have borne to see this and that and the other State prostrating herself and aiding in the general conspiracy to prostrate the Senate. But when at length it came to pass that the ancient and powerful Commonwealth of Virginia was brought to bow her venerable locks before the footstool of power, forgot her past history, forgot who and what she is and what she has been, and associated herself in a combination like this, how shall I describe to you my feelings! As a politician, I might have been mortified at such a spectacle; as a statesman, belonging to the United States, I turned from it with shame; but as a native of Virginia, I deplore, I lament, from the bottom of my heart, that she too has joined the funeral procession of the constitution. Sir, I was proud to remember her in her proud day; to consider her as she once was, and perhaps still is—the mother of great men; to look back to that bright, that immortal period in our history when she recalled her children from these halls of national legislation into her own Legislature, there to vindicate the rights and independence of the State, and to reassert the violated constitution against the usurpations of this Government. Then, indeed, Virginia preserved that illustrious character which had ascended with her from the Revolution. Then she put herself on her State rights, and on the popular doctrines of her free Government; and all who witnessed the animating sight must have concluded that, throughout her existence, she would ever continue to vindicate and to perpetuate the doctrine and the spirit of liberty. Sir, I could have wished that the honorable gentleman who now represents that distinguished State could have found in his own mind reasons for taking a different course from that which he has pursued in this matter. With the powers which he unquestionably possesses, with his liberal education, and large experience, and especially with the good fortune of growing up amidst the very men who laid the foundations of our republic, I had hoped that he would have invoked the ancient spirit of his State, and would have

added the suffrage of his voice to save the trembling constitution, about to be immolated at the footstool of executive power. But it was my lot to be disappointed; and I mourn, from the bottom of my heart, the instruction under which he feels himself constrained to vote for this extraordinary resolution. Where are the sedateness, the gravity, the calm and cautious wisdom of Madison? Where the philosophic spirit, the enlarged views, and popular predilections of Jefferson? Where the sturdy republicanism of John Taylor? Where those bright names which make her history? They are gone—gone—and others control her destiny. Sir, I lament, I mourn, that my native State should have lent herself and the remnant of her glory to promote and gloss over this proceeding. I take consolation, however, Mr. President, that there is one State, one free and fearless State, which has kept herself aloof from this combination; whose unbroken spirit, whose pride and honor, demand of me, her representative, to make, as I now do, on behalf of South Carolina, her public and solemn protest against this open and flagrant violation of the constitution.

Mr. RIVES followed, and addressed the Senate at great length in support of the resolution. This speech was never reported.

Mr. MOORE said that the appropriate suggestion with which the Senator from Connecticut (Mr. NILES) had closed his speech, brought to his mind a very important and useful amendment, the propriety of which he had no doubt would be evident and obvious to that Senator, and he would beg leave to recommend its adoption to the friends of this black line resolution, viz: that this record of the Senate's proceedings, made and preserved by the requirements of the constitution, shall be destroyed by fire to be extracted from heaven by means of a sun-glass. For this he believed they might plead something like a precedent from the General Assembly of Georgia. He thought this would complete the farce.

Mr. CALHOUN said: The gentleman from Virginia (Mr. RIVES) says that the argument in favor of this expunging resolution has not been answered. Sir, there are some questions so plain that they cannot be argued. Nothing can make them more plain; and this is one. No one, not blinded by party zeal, can possibly be insensible that the measure proposed is a violation of the constitution. The constitution requires the Senate to keep a journal; this resolution goes to expunge the journal. If you may expunge a part, you may expunge the whole; and if it is expunged, how is it kept? The constitution says the journal shall be kept; this resolution says it shall be destroyed. It does the very thing which the constitution declares shall not be done. That is the argument, the whole argument. There is none other. Talk of precedents? and precedents drawn from a foreign country? They don't apply. No, sir. This is to be done, not in consequence of argu-

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ment, but in spite of argument. I understand the case. I know perfectly well the gentlemen have no liberty to vote otherwise. They are coerced by an exterior power. They try, indeed, to comfort their conscience by saying that it is the will of the people, and the voice of the people. It is no such thing. We all know how these legislative returns have been obtained. It is by dictation from the White House. The President himself, with that vast mass of patronage which he wields, and the thousand expectations he is able to hold up, has obtained these votes of the State Legislatures; and this, forsooth, is said to be the voice of the people. The voice of the people! Sir, can we forget the scene which was exhibited in this chamber when that expunging resolution was first introduced here? Have we forgotten the universal giving way of conscience, so that the Senator from Missouri was left alone? I see before me Senators who could not swallow that resolution; and has its nature changed since then? Is it any more constitutional now than it was then? Not at all. But executive power has interposed. Talk to me of the voice of the people! No, sir. It is the combination of patronage and power to coerce this body into a gross and palpable violation of the constitution. Some individuals, I perceive, think to escape through the particular form in which this act is to be perpetrated. They tell us that the resolution on your records is not to be expunged, but is only to be endorsed "Expunged." Really, sir, I do not know how to argue against such contemptible sophistry. The occasion is too solemn for an argument of this sort. You are going to violate the constitution, and you get rid of the infamy by a falsehood. You yourselves say that the resolution is expunged by your order. Yet you say it is not expunged. You put your act in express words. You record it, and then turn round and deny it.

But what is the motive? What is the pretext for this enormity? Why, gentlemen tell us the Senate has two distinct consciences—a legislative conscience, and a judicial conscience. As a legislative body we have decided that the President has violated the constitution. But gentlemen tell us that this is an impeachable offence; and, as we may be called to try it in our judicial capacity, we have no right to express the opinion. I need not show how inconsistent such a position is with the eternal, inprescriptible right of freedom of speech, and how utterly inconsistent it is with precedents drawn from the history of our British ancestors, where the same liberty of speech has for centuries been enjoyed. There is a shorter and more direct argument in reply. Gentlemen who take that position cannot, according to their own showing, vote for this resolution; for if it is unconstitutional for us to record a resolution of condemnation, because we may afterwards be called to try the case in a judicial capacity, then it is equally unconstitutional for us to record a resolution of acquittal. If it is

unconstitutional for the Senate to declare before a trial that the President has violated the constitution, it is equally unconstitutional to declare before a trial that he has not violated the constitution. The same principle is involved in both. Yet, in the very face of this principle, gentlemen are here going to condemn their own act.

But why do I waste my breath? I know it is all utterly vain. The day is gone; night approaches, and night is suitable to the dark deed we meditate. There is a sort of destiny in this thing. The act must be performed; and it is an act which will tell on the political history of this country forever. Other preceding violations of the constitution (and they have been many and great) filled my bosom with indignation, but this fills it only with grief. Others were done in the heat of party. Power was, as it were, compelled to support itself by seizing upon new instruments of influence and patronage; and there were ambitious and able men to direct the process. Such was the removal of the deposits, which the President seized upon by a new and unprecedented act of arbitrary power; an act which gave him ample means of rewarding friends and punishing enemies. Something may, perhaps, be pardoned to him in this matter, on the old apology of tyrants—the plea of necessity. But here there can be no such apology. Here no necessity can so much as be pretended. This act originates in pure, unmixed, personal idolatry. It is the melancholy evidence of a broken spirit, ready to bow at the feet of power. The former act was such a one as might have been perpetrated in the days of Pompey or Cæsar; but an act like this could never have been consummated by a Roman Senate until the times of Caligula and Nero.

Mr. CLAY inquired whether the question involved both the preamble and the resolution.

The CHAIR said it embraced the whole subject matter.

SATURDAY, JANUARY 14.

The Public Lands.

On motion of Mr. KING, of Alabama, the Senate proceeded to the consideration of the bill prohibiting sales of the public lands, except to actual settlers and in limited quantities, as amended by the Committee on Public Lands.

Mr. WALKER said, the great principle contained in the bill now under consideration was to arrest monopolies of the public lands, and limit the sales to settlers or cultivators. The adoption of this measure would have a material influence upon the revenue of the Government and the prosperity of the country. Before investigating the details of the bill, it would be proper to examine the preliminary question, whether the great principle upon which the bill reposes is such as to recommend it to the favorable consideration of the American Senate.

So long as Congress offers for sale hundreds of millions of acres of land, with no limitation upon the extent of the purchase, vast quantities of these lands must pass into the hands of a few capitalists, thus authorized and invited by the Government to make the purchase; and when these capitalists confined their operations to the acquisition of lands unoccupied by any settler, it was clearly erroneous to denounce such speculations during the continuance of the existing system. It was the system that was wrong; and so long as it was continued, any denunciation of those who purchased large bodies of the unoccupied public lands was worse than ridiculous. Such purchases had been made, and would continue to be made, by many respectable citizens, in accordance with the invitation of the Government; and any denunciation of such purchases would only react upon the Congress which adopted the existing system, as well as every succeeding Congress which refuses its repeal or modification. But the question recurs, does this system best promote the prosperity of the American people? and shall we continue to invite and encourage the monopoly of the public lands by a few individuals, or so amend the existing system as to sell the public lands only in limited quantities, sufficient for farms or plantations, and thus reserve for these great and useful purposes this noble public domain? Whether these lands shall thus be reserved for sale only for settlement or cultivation, or whether they shall be permitted to pass into the hands of a few individuals, by townships, counties, and even entire States, in a single year, is the true question which we must determine.

The evils of the existing system were only fully developed during the past year and that which preceded it. By the returns from the Land Office, the sales, exclusive of those at Pontotoc, Mississippi, during the first three quarters of the past year, amounted to \$20,063,430, and the number of acres sold to 15,934,430. Thus, upon the same ratio, the sales of the year 1836 amounted to twenty millions of acres, and upwards of twenty-five millions of dollars; and, including the sales at Pontotoc, to more than twenty-one millions of acres, and more than twenty-seven millions of dollars. In a single year, thus, a portion of the public domain has been sold, nearly equal in superficial extent to the great State of Ohio, and exceeding the superficies of five New England States, containing more than two millions of people. In this manner, entire States are swept in a single year into the hands of speculators, who may thus exercise a greater control over the destiny of these States, for half a century to come, than the national and State Legislatures combined. Can any system be devised more destructive of equal rights and republican principles? In vain shall we have struck down the feudal system, with its accompanying relation of lord and vassal, if we create and continue here this worse than feudal vassalage,

this system of American landlords, engrossing millions of acres, and regulating the terms of sale or settlement. In vain shall we have abolished the system of primogeniture and entailments, as calculated to create landed monopolies, if we sustain the existing policy, by which a few capitalists may engross in a single year the ownership of States, and control the destiny of millions. An extent of territory equal to five States passing in a single year into the hands of speculators! must not this create here a landed aristocracy, without the title, but more wealthy and powerful than the sinking nobility of England? It will establish a fourth estate, more controlling than the legislative, executive, and judicial power. It will control agriculture and its products, by regulating the price of landed property. It will certainly introduce into the new States the system of landlord and tenant, by which the occupant will not be the owner of the soil he cultivates, but the tributary of some absentee landlord, who will, in the shape of an annual rent, reap nearly all the profits of the labor of the cultivator. It will establish a relation of abject dependence on the one hand, and tyrannical power on the other. It will impoverish the many, and enrich the few. It will create a war of capital against labor, of the producer against the non-producer, of the cultivator against the speculator; a war in which this Government will be arrayed on the side of the speculator, enlarging his dominion, increasing his power, until, in a few years more, he will acquire a complete monopoly, and maintain an undisputed empire, throughout the valley of the West.

There can be no greater injury to any country than the monopoly of its lands by a few individuals; thus keeping those lands out of the hands of settlers and cultivators, and condemning vast regions of fertile lands to remain for years waste and uncultivated. The West, for many years, has been endeavoring to obtain from Congress a reduction of the price of the public lands; but the continuation of the existing system is worse than a refusal to reduce the price; it is equivalent to a law raising the price to settlers and cultivators from one dollar and twenty-five cents per acre, to a price varying from five to thirty dollars per acre. It is well known that, within the last few years, vast bodies of public lands have been purchased by speculators at one dollar and twenty-five cents per acre, and resold to settlers or cultivators at prices varying from five to thirty dollars per acre. And what must soon be the inevitable result of continuing the existing system? At the rate of twenty-one millions of acres per annum, speculators in a very few years must own nearly every acre of good land in the present new States and organized Territories of the Union. When this monopoly shall be complete, and no good land remains the property of the Government, will not a still higher price be demanded for those lands by those who hold them? If we abolish the sys-

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tem of sales to speculators, these millions of acres of good land, now owned by the Government, will pass, from time to time, at the minimum price, into the hands of settlers or cultivators, which otherwise would be purchased by speculators, and resold by them at from five to thirty dollars per acre. Every Senator who votes against this bill votes for continuing a system by which this vast enhancement to settlers and cultivators, of the price of the public lands, must soon take place. There can be no greater curse to any country, no more serious impediment to its prosperity, than the high price of its unoccupied lands. It prevents or postpones the settlement of those lands, and decreases the wealth, products, and population of a State. It is equivalent to a decree of man, condemning to remain waste and uncultivated vast regions created by nature inexhaustibly fertile, and inviting the hand of improvement. What Senator from any new State has not seen whole townships of land remaining in the hands of speculators, waste and unoccupied, where otherwise purchases by settlers or cultivators would have been made at the minimum price of the Government, and where would now be smiling farms and prosperous villages?

[Mr. Walker, after a further exposition of the principles of his bill, concluded with saying:]

Such are the great principles of the bill, and the details are designed to promote the great object. Sales of the public lands at public auction, though not entirely abolished, are confined to those who purchase for settlement or cultivation. The speculator is excluded from the public sales, as he is from private entries. This is indispensable; for when the speculator is excluded only from private entries, but permitted to purchase at public auction, he would engross nearly all the lands offered at any future land sales. And what has the Government gained by the sales of its lands at public auction? Nothing deserving an estimate. Upon comparing the official records, the total number of acres sold, and the total price received, the following have been the results of the auction system: From the 1st of July, 1820, to the present period, we have received, from sales of the public lands, an average of three cents per acre over the minimum price; from 1796 to 1st July, 1820, nearly three cents per acre over the minimum price; from 1796 to the present period, three cents per acre over the minimum price; for the year 1835, one cent and a half per acre over the minimum price; for the year 1836, less than one cent per acre over the minimum price. Hence it is obvious that nothing is gained by the Government by continuing the auction system.

Mr. W. here proceeded to explain to the Senate the details of the bill; the clause confining the sales to settlers or cultivators; the limitation to two sections; the authority to parents

to purchase for their children, with a view to the establishment of farms; the pre-emption section; the privilege of purchasing in forty-acre lots; and, finally, the taxing power conceded to the States, by which they might raise a revenue from unoccupied lands, whether held by their own or non-resident speculators, and thus, to a certain extent, repress speculation. And Mr. W. concluded by returning his thanks to the Senate for the very general and indulgent attention with which they had received his remarks.

MONDAY, January 16.

Expunging Resolution.

The Senate proceeded to the consideration of the special order, which was Mr. BENTON's resolution to expunge from the journal of the Senate the resolution of the 28th March, 1834, censuring the President for having removed the deposits from the Bank of the United States.

Mr. CLAY rose and said that, considering that he was the mover of the resolution of March, 1834, and the consequent relation in which he stood to the majority of the Senate by whose vote it was adopted, he had felt it to be his duty to say something on this expunging resolution; and he had always intended to do so when he should be persuaded that there existed a settled purpose of pressing it to a final decision. But it had been so taken up and put down at the last session—taken up one day, when a speech was prepared for delivery, and put down when it was pronounced—that he had really doubted whether there existed any serious intentions of ever putting it to the vote. At the very close of the last session, it will be recollected that the resolution came up, and in several quarters of the Senate a disposition was manifested to come to a definitive decision. On that occasion he had offered to waive his right to address the Senate, and silently to vote upon the resolution; but it was again laid upon the table, and laid there forever, as the country supposed, and as he believed. It is, however, now revived; and, sundry changes having taken place in the members of this body, it would seem that the present design is to bring the resolution to an absolute conclusion.

I have not risen, (continued Mr. C.,) to repeat, at full length, the argument by which the friends of the resolution of March, 1834, sustained it. That argument is before the world, was unanswered at the time, and is unanswerable. And I here, in my place, in the presence of my country and of my God, after the fullest consideration and deliberation of which my mind is capable, reassert my solemn conviction of the truth of every proposition contained in that resolution. But, whilst it is not my intention to commit such an infliction upon the Senate as that would be of retracing the whole ground of argument formerly occupied, I desire to lay before it, at this time, a brief and true

state of the case. Before the fatal step is taken of giving to the expunging resolution the sanction of the American Senate, I wish, by presenting a faithful outline of the real questions involved in the resolution of 1834, to make a last, even if it is to be an ineffectual, appeal to the sober judgments of Senators. I begin by reasserting the truth of that resolution.

Our British ancestors understood perfectly well the immense importance of the money power in a representative Government. It is the great lever by which the crown is touched, and made to conform its administration to the interests of the kingdom and the will of the people. Deprive Parliament of the power of freely granting or withholding supplies, and surrender to the King the purse of the nation, he instantly becomes an absolute monarch. Whatever may be the form of government, elective or hereditary, democratic or despotic, that person who commands the force of the nation, and at the same time has uncontrolled possession of the purse of the nation, has absolute power, whatever may be the official name by which he is called.

Our immediate ancestors, profiting by the lessons on civil liberty which had been taught in the country from which we sprung, endeavored to encircle around the public purse, in the hands of Congress, every possible security against the intrusion of the Executive. With this view, Congress alone is invested by the constitution, with the power to lay and collect the taxes. When collected, not a cent is to be drawn from the public Treasury but in virtue of an act of Congress. And among the first acts of this Government was the passage of a law establishing the Treasury Department, for the safe keeping and the legal and regular disbursement of the money so collected. By that act a Secretary of the Treasury is placed at the head of the Department; and, varying in this respect from all the other Departments, he is to report, not to the President, but directly to Congress, and is liable to be called to give information in person before Congress. It is impossible to examine dispassionately that act, without coming to the conclusion that he is emphatically the agent of Congress, in performing the duties assigned by the constitution to Congress. The act further provides that a Treasurer shall be appointed, to receive and keep the public money; and none can be drawn from his custody but under the authority of a law, and in virtue of a warrant drawn by the Secretary of the Treasury, countersigned by the Comptroller, and recorded by the Register. Only when such a warrant is presented can the Treasurer lawfully pay one dollar from the public purse. Why was the concurrence of these four officers required in disbursements of the public money? Was it not for greater security? Was it not intended that each, exercising a separate and independent will, should be a check upon every other? Was it not the purpose of the law to consider each of these

four officers, acting in his proper sphere, not as a mere automaton, but as an intellectual, intelligent, and responsible person, bound to observe the law, and to stop the warrant, or stop the money, if the authority of the law were wanting?

Thus stood the Treasury from 1789 to 1816. During that long time no President had ever attempted to interfere with the custody of the public purse. It remained where the law placed it, undisturbed, and every Chief Magistrate, including the Father of his Country, respected the law.

In 1816 an act passed to establish the late Bank of the United States for the term of twenty years, and, by the 16th section of the act, it is enacted "that the deposits of the money of the United States, in places in which the said bank and the branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Thus it is perfectly manifest, from the express words of the law, that the power to make any order or direction for the removal of the public deposits is confided to the Secretary alone, to the absolute exclusion of the President, and all the world besides. And the law, proceeding upon the established principle that the Secretary of the Treasury, in all that concerns the public purse, acts as the direct agent of Congress, requires, in the event of his ordering or directing a removal of the deposits, that he shall immediately lay his reasons therefor before whom? The President? No; before Congress.

So stood the public Treasury and the public deposits from the year 1816 to September, 1833. In all that period of seventeen years, running through or into four several administrations of the Government, the law had its uninterrupted operation, no Chief Magistrate having assumed upon himself the power of diverting the public purse from its lawful custody, or of substituting his will to that of the officer to whose care it was exclusively intrusted.

In the session of Congress of 1832-'3 an inquiry had been instituted by the House of Representatives into the condition of the Bank of the United States. It resulted in a conviction of its entire safety, and a declaration by the House, made only a short time before the adjournment of Congress, on the 4th of March, 1833, that the public deposits were perfectly secure. This declaration was probably made in consequence of suspicions then afloat of a design on the part of the Executive to remove the deposits. These suspicions were denied by the press friendly to the administration. Nevertheless, the members had scarcely reached their respective homes before measures were

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commenced by the Executive to effect a removal of the deposits from that very place of safety which it was among the last acts of the House to declare existed in the Bank of the United States. *

In prosecution of this design, Mr. McLane, the Secretary of the Treasury, who was decidedly opposed to such a measure, was promoted to the Department of State, and Mr. Duane was appointed to succeed him. But Mr. Duane was equally convinced with his predecessor that he was forbidden by every consideration of duty to execute the power with which the law had intrusted the Secretary of the Treasury, and refused to remove the deposits; whereupon he was dismissed from office, a new Secretary of the Treasury was appointed, and, in September, 1833, by the command of the President, the measure was finally accomplished. That it was the President's act was never denied, but proclaimed, boasted, defended. It fell upon the country like a thunderbolt, agitating the Union from one extremity to the other. The stoutest adherents of the administration were alarmed; and all thinking men, not blinded by party prejudice, beheld in the act a bold and dangerous exercise of power; and no human sagacity can now foresee the tremendous consequences which will ensue. The measure was adopted not long before the approaching session of Congress; and, as the concurrence of both branches might be necessary to compel a restoration of the deposits, the object was to take the chance of a possible division between them, and thereby defeat the restoration.

And where did the President find the power for this most extraordinary act? It has been seen that the constitution, jealous of all executive interference with the Treasury of the nation, has confided it to the exclusive care of Congress, by every precautionary guard, from the first imposition of the taxes to the final disbursement of the public money.

It has been seen that the language of the 16th section of the law of 1816 is express and free from all ambiguity, and that the Secretary of the Treasury is the sole and exclusive depository of the authority which it confers.

Those who maintain the power of the President have to support it against the positive language of the constitution, against the explicit words of the statute, and against the genius and theory of all our institutions.

And how do they surmount these insuperable obstacles? By a series of far-fetched implications, which, if every one of them were as true as they are believed to be incorrect or perverted, would stop far short of maintaining the power which was exercised.

The first of these implied powers is, that of dismissal, which is claimed for the President. Of all the questioned powers ever exercised by this Government, this is the most questionable. From the first Congress down to the present administration, it had never been examined. It was carried then, in the Senate, by

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the casting vote of the Vice President. And those who, at that day, argued in behalf of the power, contended for it upon conditions which have been utterly disregarded by the present Chief Magistrate. The power of dismissal is nowhere in the constitution granted, in express terms, to the President. It is not a necessary incident to any granted power; and the friends of the power have never been able to agree among themselves as to the precise part of the constitution from which it springs.

But if the power of dismissal was as incontestable as it is justly controvertible, we utterly deny the consequences deduced from it. The argument is, that the President has, by implication, the power of dismissal. From this first implication another is drawn; and that is, that the President has the power to control the officer, whom he may dismiss, in the discharge of his duties, in all cases whatever; and that this power of control is so comprehensive as to include even the case of a specific duty expressly assigned by law to the designated officer.

Now, we deny these results from the dismissing power. That power, if it exists, can draw after it only a right of general superintendence. It cannot authorize the President to substitute his will to the will of the officer charged with the performance of official duties. Above all, it cannot justify such a substitution in a case where the law, as in the present instance, assigns to a designated officer exclusively the performance of a particular duty, and commands him to report, not to the President, but to Congress, in a case regarding the public purse of the nation, committed to the exclusive control of Congress.

Such a consequence as that which I am contesting would concentrate in the hands of one man the entire executive power of the nation, uncontrolled and unchecked.

It would be utterly destructive of all official responsibility. Instead of each officer being responsible, in his own separate sphere, for his official acts, he would shelter himself behind the orders of the President. And what tribunal, in heaven above or on earth below, could render judgment against any officer for an act, however atrocious, performed by the express command of the President, which, according to the argument, he was absolutely bound to obey?

Whilst all official responsibility would be utterly annihilated in subordinate officers, there would be no practical or available responsibility in the President himself.

But the case has been supposed, of a necessity for the removal of the deposits, and a refusal of the Secretary of the Treasury to remove them; and it is triumphantly asked if, in such a case, the President may not remove him, and command the deed to be done. That is an extreme case, which may be met by another. Suppose the President, without any necessity, orders the removal from a place of safety to a place of hazard? If there be dan-

ger that a Secretary may neglect his duty, there is equal danger that a President may abuse his authority. Infallibility is not a human attribute. And there is more security for the public in holding the Secretary of the Treasury to the strict performance of an official duty, specially assigned to him, under all his official responsibility, than to allow the President to wrest the work from his hands, annihilate his responsibility, and stand himself practically irresponsible. It is far better that millions should be lost by the neglect of a Secretary of the Treasury, than to establish the monstrous principle that all the checks and balances of the Executive Government shall be broken down, the whole power absorbed by one man, and his will become the supreme rule. The argument which I am combating places the whole Treasury of the nation at the mercy of the Executive. It is in vain to talk of appropriations by law, and the formalities of warrants upon the Treasury. Assuming the argument to be correct, what is to prevent the execution of an order from the President to the Secretary of the Treasury to issue a warrant, without the sanction of a previous legal appropriation, to the Comptroller to countersign it, to the Register to register it, and to the Treasurer to pay it? What becomes of that quadruple security which the precaution of the law provided? Instead of four substantive and independent wills, acting under legal obligations, all are merged in the executive vortex.

But there was, in point of fact, no cause, none whatever, for the measure. Every fiscal consideration (and no other had the Secretary or the President a right to entertain) required the deposits to be left undisturbed in the place of perfect safety where by law they were. We told you so at the time. We asserted that the charges of insecurity and insolvency of the bank were without the slightest foundation. And time, that great arbiter of human controversies, has confirmed all that we said. The bank, from documents submitted to Congress by the Secretary of the Treasury at the present session, appears to be able not only to return every dollar of the stock held in its capital by the public, but an addition of eleven per cent. beyond it.

Those who defend the executive act have to maintain not only that the President may assume upon himself the discharge of a duty specially assigned to the Secretary of the Treasury; but that he may remove that officer, arbitrarily, and without any cause, because he refused to remove the public deposits without cause.

My mind conducts me to a totally different conclusion. I think, I solemnly believe, that the President "assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," in the language of the resolution. I believed then in the truth of the resolution; and I now, in my place, and under all my responsibility, reavow

my unshaken conviction of it. But it has been contended on this occasion, as it was in the debate which preceded the adoption of the resolution of 1834, that the Senate has no right to express the truth on any question which, by possibility, may become a subject of impeachment. It is manifest that if it may, there is no more usual or appropriate form in which it may be done than that of resolutions, joint or separate, orders, or bills. In no other mode can the collective sense of the body be expressed. But Senators maintain that no matter what may be the executive encroachment upon the joint powers of the two Houses, or the separate authority of the Senate, it is bound to stand mute, and not breathe one word of complaint or remonstrance. According to the argument, the greater the violation of the constitution or the law, the greater the incompetency of the Senate to express any opinion upon it! Further, that this incompetency is not confined to the acts of the President only, but extends to those of every officer who is liable to impeachment under the constitution. Is this possible? Can it be true? Contrary to all the laws of nature, is the Senate the only being which has no power of self-preservation—no right to complain or to remonstrate against attacks upon its very existence?

The argument is, that the Senate, being the constitutional tribunal to try all impeachments, is thereby precluded from the exercise of the right to express any opinion upon any official malfeasance, except when acting in its judicial character.

If this disqualification exist, it applies to all impeachable officers, and ought to have protected the late Postmaster General against the resolution, unanimously adopted by the Senate, declaring that he had borrowed money contrary to law. And it would disable the Senate from considering that Treasury order which has formed such a prominent subject of its deliberations during the present session.

And how do Senators maintain this obligation of the Senate to remain silent and behold itself stript, one by one, of all its constitutional powers, without resistance, and without murmur? Is it imposed by the language of the constitution? Has any part of that instrument been pointed to which expressly enjoins it? No, no, not a syllable. But it is attempted to be deduced by another far-fetched implication. Because the Senate is the body which is to try impeachments, therefore it is inferred the Senate can express no opinion on any matter which may form the subject of impeachment. The constitution does not say so. That is undeniable; but Senators think so.

The Senate acts in three characters—legislative, executive, and judicial—and their importance is in the order enumerated. By far the most important of the three is its legislative. In that, almost every day that it has been in session from 1789 to the present time, some leg-

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islative business has been transacted; whilst, in its judicial character, it has not sat more than three or four times in that whole period.

Why should the judicial function limit and restrain the legislative function of the Senate, more than the legislative should the judicial? If the degree of importance of the two should decide which ought to impose the restraint, in case of conflict between them, none can doubt which it should be.

But if the argument is sound, how is it possible for the Senate to perform its legislative duties? An act in violation of the constitution or laws is committed by the President, or a subordinate executive officer, and it becomes necessary to correct it by the passage of a law. The very act of the President in question was under a law to which the Senate had given its concurrence. According to the argument, the correcting law cannot originate in the Senate, because it would have to pass in judgment upon that act. Nay, more: it cannot originate in the House and be sent to the Senate, for the same reason of incompetency in the Senate to pass upon it. Suppose the bill contained a preamble reciting the unconstitutional or illegal act, to which the legislative corrective is applied: according to the argument, the Senate must not think of passing it. Pushed to its legitimate consequence, the argument requires the House of Representatives itself cautiously to abstain from the expression of any opinion upon an executive act, except when it is acting as the grand inquest of the nation, and considering articles of impeachment.

Assuming that the argument is well founded, the Senate is equally restrained from expressing any opinion which would imply the innocence or the guilt of an impeachable officer, unless it be maintained that it is lawful to express praise and approbation, but not censure or difference of opinion. Instances have occurred in our past history, (the case of the British minister, Jackson, was a memorable one,) and many others may arise in our future progress, when, in reference to foreign powers, it may be important for Congress to approve what has been done by the Executive, to present a firm and united front, and to pledge the country to stand by and support him. May it not do that? If the Senate dare not entertain and express any opinion upon an executive measure, how do those who support this expunging resolution justify the acquittal of the President which it proclaims?

No Senator believed, in 1834, that, whether the President merited impeachment or not, he ever would be impeached. In point of fact he has not been, and we have every reason to suppose that he never will be, impeached. Was the majority of the Senate, in a case where it believed the constitution and laws to have been violated, and the liberties of the people to be endangered, to remain silent, and to refrain from proclaiming the truth, because, against all human probability, the President might be im-

peached by a majority of his political friends in the House of Representatives?

If an impeachment had been actually voted by the House of Representatives, there is nothing in the constitution which enjoins silence on the part of the Senate. In such a case, it would have been a matter of propriety, for the consideration of each Senator, to avoid the expression of any opinion on a matter upon which, as a sworn judge, he would be called to act.

Hitherto, I have considered the question on the supposition that the resolution of March, 1834, implied such guilt in the President that he would have been liable to conviction on a trial by impeachment before the Senate of the United States. But the resolution, in fact, imported no such guilt. It simply affirmed that he had "assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." It imputed no criminal motives. It did not profess to penetrate into the heart of the President. According to the phraseology of the resolution, the exceptionable act might have been performed with the purest and most patriotic intention. The resolution neither affirmed his innocence, nor pronounced his guilt. It amounts, then, says his friends on this floor, to nothing. Not so. If the constitution be trampled upon, and the laws be violated, the injury may be equally great, whether it has been done with good or bad intentions. There may be a difference to the officer, none to the country. The country, as all experience demonstrates, has most reason to apprehend those encroachments which take place on plausible pretexts, and with good intentions.

I put it, Mr. President, to the calm and deliberate consideration of the majority of the Senate, are you ready to pronounce, in the face of this enlightened community, for all time to come, and whoever may happen to be the President, that the Senate dare not, in language the most inoffensive and respectful, remonstrate against any executive usurpation, whatever may be its degree or danger?

For one, I will not, I cannot. I believe the resolution of March, 1834, to have been true; and that it was competent to the Senate to proclaim the truth. And I solemnly believe that the Senate would have been culpably neglectful of its duty to itself, to the constitution, and to the country, if it had not announced the truth.

But let me suppose that in all this I am mistaken; that the act of the President, to which exception was made, was in conformity with the spirit of our free institutions and the language of our constitution and laws; and that, whether it was or not, the Senate of 1834 had no authority to pass judgment upon it: what right has the Senate of 1837, a component part of another Congress, to pronounce judgment upon its predecessor? How can you, who venture to impute to those who have gone before you an unconstitutional proceeding, escape a

similar imputation? What part of the constitution communicates to you any authority to arraign and try your predecessors? In what article is contained your power to expunge what they have done? And may not the precedent lead to a perpetual code of defacement and restoration of the transactions of the Senate, as consigned to the public records?

Are you not only destitute of all authority, but positively forbidden, to do what the expunging resolution proposes? The injunction of the constitution to keep a journal of our proceedings is clear, express, and emphatic. It is free from all ambiguity; no sophistry can pervert the explicit language of the instrument, no artful device can elude the force of the obligation which it imposes. If it were possible to make more manifest the duty which it requires to be performed, that was done by the able and eloquent speeches, at the last session, of the Senators from Virginia and Louisiana, (Messrs. LEIGH and PORTER,) and at this of my colleague. I shall not repeat the argument. But, I would ask, if there were no constitutional requirement to keep a journal, what constitutional right has the Senate of this Congress to pass in judgment upon the Senate of another Congress, and to expunge from its journal a deliberate act there recorded? Can an unconstitutional act of that Senate, supposing it to be so, justify you in performing another unconstitutional act?

But in lieu of any argument upon the point from me, I beg leave to cite for the consideration of the Senate two precedents: one drawn from the reign of the most despotic monarch in modern Europe, under the most despotic minister that ever bore sway over any people, and the other from the purest fountain of democracy in this country. I quote from the interesting life of the Cardinal Richelieu, written by that most admirable and popular author, Mr. James. The Duke of Orleans, the brother of Louis XIII., had been goaded into rebellion by the wary Richelieu. The king issued a decree declaring all the supporters of the duke guilty of high treason, and a copy of it was despatched to the Parliament of Paris, with an order to register it at once. The parliament demurred, and proceeded to what was called *in arrêt de partage*. "Richelieu, however, could bear no contradiction in the course which he had laid down for himself;" [How strong a resemblance does that feature of his character bear to one of an illustrious individual whom I will not further describe!] "and hurrying back to Paris with the King, he sent, in the monarch's name, a command for the members of the Parliament to present themselves at the Louvre, in a body and on foot. He was obeyed immediately; and the King receiving them with great haughtiness, the Keeper of the Seals made them a speech in which he declared that they had no authority to deliberate upon affairs of state; that the business of private individuals they might discuss, but that the will of the monarch in other matters they were alone called upon

to register. The King then tore with his own hands the page of the register on which the *arrêt de partage* had been inscribed, and punished with suspension from their functions several of the members of the various courts composing the parliament of Paris." How repeated acts of the exercise of arbitrary power are likely to subdue the spirit of liberty, and to render callous the public sensibility and the fate which awaits us, if we had not been recently unhappily taught in this country, we may learn from the same author. "The finances of the State were exhausted, new impositions were devised, and a number of new offices created and sold. Against the last-named abuse the Parliament ventured to remonstrate; but the Government of the Cardinal had for its first principle despotism, and the refractory members were punished, some with exile, some with suspension of their functions. All were forced to comply with his will; and the Parliament, unable to resist, yielded, step by step, to his exactions."

The other precedent is supplied by the archives of the democracy of Pennsylvania in 1816, when it was genuine and unmixed with any other ingredient.

The provisions of the Constitution of the United States and of Pennsylvania, in regard to the obligation to keep a journal, are substantially the same. That of the United States requires that "each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of the members present, be entered on the journal." And that of Pennsylvania is, "each House shall keep a journal of its proceedings, and publish them weekly, except such parts as require secrecy; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals." Whatever inviolability, therefore, is attached to a journal, kept in conformity with the one constitution, must be equally stamped on that kept under the other. On the 10th February, 1816, in the House of Representatives of Pennsylvania, "the Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision, viz: that a majority can expunge from the journal any proceedings in which the yeas and nays have not been called." Whereupon Mr. Holgate and Mr. Smith appealed from said decision; and on the question, Is the Speaker right in his decision? the members present voted as follows: yeas three, nays seventy-eight. Among the latter are to be found the two Senators now representing in this body the State of Pennsylvania. On the same day a motion was made by one of them (Mr. BUCHANAN) and Mr. Kelly, and read, as

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follows: "*Resolved*, That in the opinion of this House no part of the journals of the House can be expunged, even by unanimous consent."

The Senate observes that the question arose in a case where the yeas and nays had not been called. Even in such a case there were but four members out of eighty-two that thought it was competent to the House to expunge. Had the yeas and nays been called and recorded, as they were on the resolution of March, 1834, there would not have been a solitary vote in the House of Representatives of Pennsylvania in support of the power of expunging. And if you can expunge the resolution, why may you not expunge also the recorded yeas and nays attached to it?

But if the matter of expunction be contrary to the truth of the case, reproachful for its base subserviency, derogatory from the just and necessary powers of the Senate, and repugnant to the Constitution of the United States, the manner in which it is proposed to accomplish this dark deed is also highly exceptionable. The expunging resolution, which is to blot out or enshroud the four or five lines in which the resolution of 1834 stands recorded, or rather the recitals by which it is preceded, are spun out into a thread of enormous length. It runs, whereas, and whereas, and whereas, and whereas, and whereas, &c., into a formidable array of nine several whereases. One who should have the courage to begin to read them, unaware of what was to be their determination, would think that at the end of such a tremendous display he must find the very devil. It is like a kite or a comet, except that the order of nature is inverted, and the tail, instead of being behind, is before the body to which it is appended.

I shall not trespass on the Senate by inquiring into the truth of all the assertions of fact and of principle contained in these recitals. It would not be difficult to expose them all, and to show that not one of them has more than a colorable foundation. It is asserted by one of them that the President was put upon his trial, and condemned, unheard, by the Senate, in 1834. Was that true? Was it a trial? Can the majority now assert, upon their oaths, and in their consciences, that there was any trial or condemnation? During the warmth of debate, Senators might endeavor to persuade themselves and the public that the proceeding of 1834 was, in its effects and consequences, a trial, and would be a condemnation of the President; but now, after the lapse of near three years, when the excitement arising from an animated discussion has passed away, it is marvellous that any one should be prepared to assert that an expression of the opinion of the Senate upon the character of an executive act was an arraignment, trial, and conviction, of the President of the United States!

Another fact, asserted in one of these recitals, is, that the resolution of 1834, in either of the forms in which it was originally presented or

subsequently modified, prior to the final shape which it assumed when adopted, would have been rejected by a majority of the Senate. What evidence is there in support of this assertion? None. It is, I verily believe, directly contrary to the fact. In either of the modifications of the resolution I have not a doubt that it would have passed! They were all made in that spirit of accommodation by which the mover of the resolution has ever regulated his conduct as a member of a deliberative body. In not one single instance did he understand from any Senator at whose request he made the modification that without it he would vote against the resolution. How, then, can even the Senators who were of the minority of 1834 undertake to make the assertion in question? How can the new Senators, who have come here since, pledge themselves to the fact asserted in the recital of which they could not have had any consance? But all the members of the majority—the veterans and the raw recruits—the six years' men and the six weeks' men—are required to concur in this most unfounded assertion, as I believe it to be. I submit it to one of the latter (looking towards Mr. DANA, from Maine, here by a temporary appointment from the Executive) whether, instead of inundating the Senate with a torrent of fulsome and revolting adulation poured on the President, it would not be wiser and more patriotic to illustrate the brief period of his senatorial existence by some great measure fraught with general benefit to the whole Union? Or, if he will not or cannot elevate himself to a view of the interests of the entire country, whether he had not better dedicate his time to an investigation into the causes of an alien jurisdiction being still exercised over a large part of the territory of the State which he represents? And why the American carrying trade to the British colonies, in which his State was so deeply interested, has been lost by a most improvident and bungling arrangement?

Mr. President, what patriotic purpose is to be accomplished by this expunging resolution? What new honor or fresh laurels will it win for our common country? Is the power of the Senate so vast that it ought be circumscribed, and that of the President so restricted that it ought to be extended? What power has the Senate? None, separately. It can only act jointly with the other House, or jointly with the Executive. And although the theory of the constitution supposes, when consulted by him, it may freely give an affirmative or negative response, according to the practice, as it now exists, it has lost the faculty of pronouncing the negative monosyllable. When the Senate expresses its deliberate judgment, in the form of resolution, that resolution has no compulsory force, but appeals only to the dispassionate intelligence, the calm reason, and the sober judgment, of the community. The Senate has no army, no navy, no patronage, no lucrative offices, nor glittering honors, to bestow. Around us there is no

swarm of greedy expectants, rendering us homage, anticipating our wishes, and ready to execute our commands.

How is it with the President? Is he powerless? He is felt from one extremity to the other of this vast republic. By means of principles which he has introduced, and innovations which he has made in our institutions, alas! but too much countenanced by Congress and a confiding people, he exercises uncontrolled the power of the State. In one hand he holds the purse, and in the other brandishes the sword of the country. Myriads of dependants and partisans, scattered over the land, are ever ready to sing hosannas to him, and to laud to the skies whatever he does. He has swept over the Government, during the last eight years, like a tropical tornado. Every department exhibits traces of the ravages of the storm. Take as one example the Bank of the United States. No institution could have been more popular with the people, with Congress, and with State Legislatures. None ever better fulfilled the great purposes of its establishment. But it unfortunately incurred the displeasure of the President; he spoke, and the bank lies prostrate. And those who were loudest in its praise are now loudest in its condemnation. What object of his ambition is unsatisfied? When disabled from age any longer to hold the sceptre of power, he designates his successor, and transmits it to his favorite! What more does he want? Must we blot, deface, and mutilate the records of the country, to punish the presumptuousness of expressing an opinion contrary to his own?

What patriotic purpose is to be accomplished by this expunging resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact that in March, 1834, a majority of the Senate of the United States passed the resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourselves that power of annihilating the past which has been denied to Omnipotence itself? Do you intend to thrust your hands into our hearts, and to pluck out the deeply rooted convictions which are there? Or is it your design merely to stigmatize us? You cannot stigmatize us.

Ne'er yet did base dishonor blur our name.

Standing securely upon our conscious rectitude, and bearing aloft the shield of the constitution of our country, your puny efforts are impotent; and we defy all your power. Put the majority of 1834 in one scale, and that by which this expunging resolution is to be carried in the other, and let truth and justice, in heaven above and on earth below, and liberty and patriotism, decide the preponderance.

What patriotic purpose is to be accomplished by this expunging resolution? Is it to appease the wrath and to heal the wounded pride of the Chief Magistrate? If he be really the hero that his friends represent him, he must despise

all mean condescension, all grovelling sycophancy, all self-degradation and self-abasement. He would reject, with scorn and contempt, as unworthy of his fame, your black scratches and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the Secretary of the Senate will preserve the pen with which he may inscribe them, and present it to that Senator of the majority whom he may select, as a proud trophy, to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, all that now remain to us, some future American monarch, in gratitude to those by whose means he has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of the Knight of the Black Lines.

But why should I detain the Senate, or needlessly waste my breath in fruitless exertions. The decree has gone forth. It is one of urgency, too. The deed is to be done—that foul deed which, like the blood-stained hands of the guilty Macbeth, all ocean's waters will never wash out. Proceed, then, to the noble work which lies before you, and, like other skilful executioners, do it quickly. And when you have perpetrated it, go home to the people, and tell them what glorious honors you have achieved for our common country. Tell them that you have extinguished one of the brightest and purest lights that ever burnt at the altar of civil liberty. Tell them that you have silenced one of the noblest batteries that ever thundered in defence of the constitution, and bravely spiked the cannon. Tell them that, henceforward, no matter what daring or outrageous act any President may perform, you have forever hermetically sealed the mouth of the Senate. Tell them that he may fearlessly assume what powers he pleases, snatch from its lawful custody the public purse, command a military detachment to enter the halls of the Capitol, overawe Congress, trample down the constitution, and raze every bulwark of freedom; but that the Senate must stand mute, in silent submission, and not dare to raise its opposing voice. That it must wait until a House of Representatives, humbled and subdued like itself, and a majority of it composed of the partisans of the President, shall prefer articles of impeachment. Tell them, finally, that you have restored the glorious doctrine of passive obedience and non-resistance. And, if the people do not pour out their indignation and imprecations, I have yet to learn the character of American freemen.

When Mr. CLAY had concluded,

Mr. BUCHANAN rose and spoke as follows:

Mr. President: after the able and eloquent display of the Senator from Kentucky (Mr. CLAY) who has just resumed his seat, after having so long enchained the attention of his audience, it might be the dictate of prudence for me to remain silent. But I feel too deeply my

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responsibility as an American Senator, not to make the attempt to place before the Senate and the country the reasons which, in my opinion, will justify the vote which I intend to give this day.

A more grave and solemn question has rarely, if ever, been submitted to the Senate of the United States, than the one now under discussion. This Senate is now called upon to review its own decision, to rejudge its own justice, and to annihilate its own sentence, deliberately pronounced against the co-ordinate executive branch of this Government. On the 28th of March, 1834, the American Senate, in the face of the American people, in the face of the whole world, by a solemn resolution, pronounced the President of the United States to be a violator of the constitution of his country—of that constitution which he had solemnly sworn to “preserve, protect, and defend.” Whether we consider the exalted character of the tribunal which pronounced this condemnation, or the illustrious object against which it was directed, we ought to feel deeply impressed with the high and lasting importance of the present proceeding. It is in fact, if not in form, the trial of the Senate for having unjustly and unconstitutionally tried and condemned the President; and their accusers are the American people. In this cause I am one of the judges. In some respects, it is a painful position for me to occupy. It is vain, however, to express unavailing regrets. I must, and shall, firmly and sternly, do my duty, although in the performance of it I may wound the feelings of gentlemen whom I respect and esteem. I shall proceed no further than the occasion demands, and will, therefore, justify.

Who was the President of the United States against whom this sentence has been pronounced? Andrew Jackson—a name which every American mother, after the party strife which agitates us for the present moment shall have passed away, will, during all the generations which this republic is destined to endure, teach her infant to lisped with that of the venerated name of Washington. The one was the founder, the other the preserver, of the liberties of his country.

If President Jackson has been guilty of violating the Constitution of the United States, let impartial justice take its course. I admit that it is no justification for such a crime that his long life has been more distinguished by acts of disinterested patriotism than that of any American citizen now living. It is no justification that the honesty of his heart and the purity of his intentions have become proverbial, even amongst his political enemies. It is no justification that in the hour of danger; and in the day of battle, he has been his country's shield. If he has been guilty, let his name be “damned to everlasting fame,” with those of Cæsar and of Napoleon.

If, on the other hand, he is pure and immaculate from the charge, let us be swift to do him justice, and to blot out the foul stigma which

the Senate have placed upon his character. If we are not, he may go down to the grave in doubt as to what may be the final judgment of his country. In any event, he must soon retire to the shades of private life. Shall we, then, suffer his official term to expire without first doing him justice? It may be said of me, as it has already been said of other Senators, that I am one of the gross adulators of the President. But, sir, I have never said thus much of him whilst he was in the meridian of his power. Now that his political sun is nearly set, I feel myself at liberty to pour forth my grateful feelings, as an American citizen, to a man who has done so much for his country. I have never, for myself, either directly or indirectly, solicited office at his hands; and my character must greatly change, if I should ever do so from any of his successors. If I should bestow upon him the meed of my poor praise, it springs from an impulse far different from that which has been attributed to the majority on this floor. I speak as an independent freeman and American Senator; and I feel proud now to have the opportunity of raising my voice in his defence.

On the 28th day of March, 1834, the Senate of the United States resolved “that the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both.”

In discussing this subject, I shall undertake to prove, first, that this resolution is unjust; secondly, that it is unconstitutional; and in the last place, that it ought to be expunged from our journals, in the manner proposed by the Senator from Missouri, (Mr. BENTON.)

First, then, it is unjust. On this branch of the subject, I had intended to confine myself to a bare expression of my own decided opinion. This point has been so often and so ably discussed, that it is impossible for me to cast any new light upon it. But as it is my intention to follow the footsteps of the Senator from Kentucky, (Mr. CLAY,) wherever they may lead, I must again tread the ground which has been so often trodden. As the Senator, however, has confined himself to a mere passing reference to the topics which this head presents, I shall, in this particular, follow his example.

Although the resolution condemning the President is vague and general in its terms, yet we all know that it was founded upon his removal of the public deposits from the Bank of the United States. The Senator from Kentucky has contended that this act was a violation of law. And why? Because, says he, it is well known that the public money was secure in that institution; and by its charter the public deposits could not be removed from it, unless under a just apprehension that they were in danger. Now, sir, I admit that if the President had no right to remove these deposits, except for the sole reason that their safety was in danger, the Senator has established his posi-

tion. But what is the fact? Was the Government thus restricted by the terms of the bank charter? I answer, no. Such a limitation is nowhere to be found in it. Let me read the sixteenth section, which is the only one relating to the subject. It enacts, "that the deposits of the money of the United States in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

Is not the authority thus conferred upon the Secretary of the Treasury as broad and as ample as the English language will admit? Where is the limitation, where the restriction? One might have supposed, from the argument of the Senator from Kentucky, that the charter had restricted the Secretary of the Treasury from removing the deposits, unless he believed them to be insecure in the Bank of the United States; but the language of the law itself completely refutes his argument. They were to remain in the Bank of the United States, "unless the Secretary of the Treasury shall at any time otherwise order and direct."

The sole limitation upon the discretion of that officer was his immediate and direct responsibility to Congress. To us he was bound to render his reasons for removing the deposits. We, and we alone, are constituted the judges as to the sufficiency of these reasons.

It would be an easy task to prove that the authors of the bank charter acted wisely in not limiting the discretion of the Secretary of the Treasury over the deposits to the single case of their apprehended insecurity. We may imagine many other reasons which would have rendered their removal both wise and expedient. But I forbear, especially as the case now before the Senate presents as striking an illustration of this proposition as I could possibly imagine. Upon what principle, then, do I justify the removal of the deposits?

The Bank of the United States had determined to apply for a recharter at the session of Congress immediately preceding the last presidential election. Preparatory to this application, and whilst it was pending, in the short space of sixteen months, it had increased its loans more than \$28,000,000. They rose from forty-two millions to seventy millions between the last of December, 1830, and the 1st of May, 1832. Whilst this boasted regulator of the currency was thus expanding its discounts, all the local banks followed the example. The impulse of self-interest urged them to pursue this course. A delusive prosperity was thus spread over the land. Money, everywhere, became plenty. The bank was regarded as the beneficent parent, who was pouring her money out into the laps of her children. She thought

herself wise and provident in thus rendering herself popular. The recharter passed both Houses of Congress by triumphant majorities. But then came "the frost, the killing frost." It was not so easy to propitiate "the Old Roman." Although he well knew the power and influence which the bank could exert against him at the then approaching presidential election, he cast such considerations to the winds. He vetoed the bill, and, in the most solemn manner, placed himself for trial upon this question before the American people.

From that moment the faith of many of his former friends began to grow cold. The bank openly took the field against his re-election. It expended large sums in subsidizing editors, and in circulating pamphlets, and papers, and speeches, throughout the Union, calculated to inflame the public mind against the President. I merely glance at these things.

Let us pause, for a single moment, to consider the consequences of such conduct. What right had the bank, as a corporation, to enter the arena of politics, for the purpose of defending itself, and attacking the President. Whilst I freely admit that each individual stockholder possessed the same rights, in this respect, as every other American citizen, I pray you to consider what a dangerous precedent the bank has thus established. Our banks now number nearly a thousand, and our other chartered institutions are almost innumerable. If all these corporations are to be justified in using their corporate funds for the purpose of influencing elections, of elevating their political friends, and crushing their political foes, our condition is truly deplorable. We shall thus introduce into the State a new, a dangerous, and an alarming power, the effects of which no man can anticipate. Watchful jealousy is the price which a free people must ever pay for their liberties; and this jealousy should be argus-eyed in watching the political movements of corporations.

After the bank had been defeated in the presidential election, it adopted a new course of policy. What it had been unable to accomplish by making money plenty, it determined it would wrest from the sufferings of the people by making money scarce. Pressure and panic then became its weapons; and with these it was determined, if possible, to extort a recharter from the American people. It commenced this warfare upon the interests of the country about the 1st of August, 1833. In two short months it decreased its loans more than four millions of dollars, whilst the deposits of the Government with it had increased, during the same period, two millions and a quarter. I speak in round numbers. It was then in the act of reducing its discounts at the rate of two millions of dollars per month.

The State banks had expanded their loans with the former expansion of the Bank of the United States. It now became necessary to contract them. The severest pressure began

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to be felt everywhere. Had the Bank of the United States been permitted a short time longer to proceed in this course, fortified as it was with the millions of the Government which it held on deposit, a scene of almost universal bankruptcy and insolvency must have been presented in our commercial cities. It thus became absolutely necessary for the President either to deprive the bank of the public deposits, as the only means of protecting the State banks, and, through them, the people, from these impending evils, or calmly to look on and see it spreading ruin throughout the land. It was necessary for him to adopt this policy for the purpose of preventing a universal derangement of the currency, a general sacrifice of property, and, as an inevitable consequence, the recharter of this institution.

By the removal of the deposits, he struck a blow against the bank from which it has never since recovered. This was the club of Hercules with which he slew the Hydra. This was the master-stroke by which he prostrated what a large majority of the American people believe to have been a corrupt and a corrupting institution. For this he is not only justified, but deserves the eternal gratitude of his country. For this the Senate have condemned him; but the people of the United States have hailed him as a deliverer.

It has been said by the Senator from Kentucky, that the President, by removing the deposits from the Bank of the United States, united in his own person the power of the purse of the nation with that of the sword. I think it is not difficult to answer this argument. What was to become of the public money, in case it had been removed from the Bank of the United States, under its charter, for the cause which the Senator himself deems justifiable? Why, sir, it would then have been immediately remitted to the guardianship of those laws under which it had been protected before the Bank of the United States was called into existence. Such was the present case. In regard to this point, no matter whether the cause of removal were sufficient or not, the moment the deposits were actually removed, they became subject to the pre-existing laws, and not to the arbitrary will of the President.

The Senator from Kentucky has contended that the President violated the constitution and the laws by dismissing Mr. Duane from office because he would not remove the deposits, and by appointing Mr. Taney to accomplish this purpose. I shall not discuss at any length the power of removal. It is now too late in the day to question it. That the Executive possesses this power was decided by the first Congress. It has often since been discussed and decided in the same manner, and it has been exercised by every President of the United States. The President is bound by the constitution to "take care that the laws be faithfully executed." If he cannot remove his executive officers, it is impossible that he can perform

this duty. Every inferior officer might set up for himself; might violate the laws of the country, and put him at defiance, whilst he would remain perfectly powerless. He could not arrest their career. A foreign minister might be betraying and disgracing the nation abroad, without any power to recall him until the next meeting of the Senate. This construction of the constitution involves so many dangers, and so many absurdities, that it could not be maintained for a moment, even if there had not been a constant practice against it of almost half a century.

But it is contended by the Senator that the Secretary of the Treasury is a sort of independent power in the State, and is released from the control of the Executive. And why? Simply because he is directed by law to make his annual report to Congress, and not to the President. If this position be correct, then it necessarily follows that the Executive is released from the obligation of taking care that the numerous and important acts of Congress regulating the fiscal concerns of the country shall be faithfully executed. The Secretary of the Treasury is thus made independent of his control. What would be the position of this officer under such a construction of the constitution and laws, it would be very difficult to decide. And this wonderful transformation of his character has arisen from the mere circumstance that Congress have by law directed him to make an annual report to them! No, sir; the Executive is responsible to Congress for the faithful execution of the laws; and if the present or any other President should prove faithless to his high trust, the present Senate, notwithstanding all which has been said, would be as ready as their predecessors to inflict condign punishment upon him, in the mode pointed out by the constitution.

I have now arrived at the great question of the constitutional power of the Senate to adopt the resolution of March, 1834. It is my firm conviction that the Senate possesses no such power; and it is now my purpose to establish this position. The decision on this point must depend upon a true answer to the question, does this resolution contain any impeachable charge against the President? If it does, I trust I shall demonstrate that the Senate violated its constitutional duty in proceeding to condemn him in this manner. I shall again read the resolution:

"Resolved, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

This language is brief and comprehensive. It comes at once to the point. It bears a striking impress of the character of the Senator from Kentucky. Does it charge an impeachable offence against the President?

The fourth section of the second article of

the constitution declares that "the President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

It has been contended that this condemnatory resolution contains no impeachable offence, because it charges no criminal intention against the President; and I admit that it does not attribute to him any corrupt motive in express words. Is this sufficient to convince the judgment of any impartial man that none such was intended? Let us, for a few moments, examine this proposition. If it be well founded, the Senate may forever hereafter usurp the power of trying, condemning, and destroying, any officer of the Government, without affording him the slightest opportunity of being heard in his defence. They may thus abuse their power, and prostrate any object of their vengeance. It seems we have now made the discovery that the Senate are authorized to exert this tremendous power; that they may thus assume to themselves the office both of accusers and of judge, provided the indictment contains no express allegation of a criminal intention. The President, or any officer of the Government, may be denounced by the Senate as a violator of the constitution of his country, as derelict in the performance of his public duties, provided there be no express imputation of an improper motive. The characters of men whose reputation is dearer to them than their lives may thus be destroyed. They may be held up to public execration by the omission of a few formal words. The condemnation of the Senate carries with it such a moral power, that perhaps there is no man in the United States, except Andrew Jackson, who could have resisted its force. No, sir; such an argument can never command conviction. That which we have no power to do directly, we can never accomplish by indirect means. We cannot by resolution convict a man of an impeachable offence, merely because we may omit the formal words of an impeachment. We must regard the substance of things, and not the mere form.

But again: Although a criminal intention be not charged in so many words, by this resolution, yet its language, even without the attendant circumstances, clearly conveys this meaning. The President is charged with having "assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." "Assumed upon himself!" What is the plain, palpable meaning of this phrase, connected with what precedes and follows? Is it not "to arrogate," "to claim or seize unjustly?" These are two of the first meanings of the word *assume*, according to the lexicographers. To assume upon one's self, is a mode of expression which is rarely taken in a good sense. As it is used here, I ask if any man of plain, common understanding, after reading this resolution, would

ever arrive at the conclusion that any Senator voted for it under the impression that the President was innocent of any improper intention, and that he violated the constitution from mere mistake, and from pure motives? The common sense of mankind revolts at the idea. How can it be contended, for a single moment, that you can denounce the President as a man who had "assumed upon himself" the power of violating the laws and the constitution of his country, and in the same breath declare that you had not the least intention to criminate him, and that your language was altogether inoffensive? The two propositions are manifestly inconsistent.

But I go one step further. If we were sitting as a court of impeachment, and the bare proposition were established to our satisfaction, that the President had, in violation of the constitution and laws, withdrawn the public revenue of the country from the depository to whose charge Congress had committed it, and assumed the control over it himself, we would be bound to convict him of a high official misdemeanor. Under such circumstances, we should be bound to infer a criminal intention from this illegal and unconstitutional act. Criminal justice could never be administered, society could not exist, if the tribunals of the country should not attribute evil motives to illegal and unconstitutional conduct. Omniscience alone can examine the heart. When poor, frail man is placed in the judgment seat, he must infer the intentions of the accused from his actions. That "the tree is known by its fruits," is an axiom which we have derived from the fountain of all truth. Does a poor, naked, hungry wretch, at this inclement season of the year, take from my pocket a single dollar, the law infers a criminal intent, and he must be convicted and punished as a thief, though he may have been actuated by no other motive than that of saving his wife and children from starvation. And shall a different rule be applied to the President of the United States? Shall it be said of a man elevated to the highest station on earth, for his wisdom, his integrity, and his virtues, with all his constitutional advisers around him, when he violates the constitution of his country, and usurps the control over its entire revenue, that he may successfully defend himself by declaring that he had done this deed without any criminal intention? No, sir; in such a case, above all others, the criminal intention must be inferred from the unconstitutional exercise of high and dangerous powers. The safety of the republic demands that the President of the United States should never shield himself behind such flimsy pretexts. This resolution, therefore, although it may not have assumed the form of an article of impeachment, possesses all the substance.

It was my fate some years ago to have assisted as a manager, in behalf of the House of Representatives, in the trial of an impeachment before this body. It then became my

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duty to examine all the precedents in such cases which had occurred under our Government since the adoption of the federal constitution. On that occasion I found one which has a strong bearing upon this question. I refer to the case of Judge Pickering. He was tried and condemned by the Senate upon all the four articles exhibited against him, although the three first contained no other charge than that of making decisions contrary to law, in a cause involving a mere question of property, and then refusing to grant the party injured an appeal from his decision, to which he was entitled. From the clear violation of the law, in this case, the Senate must have inferred an impure and improper motive.

If any thing further were wanting to prove that the resolution of the Senate contained a criminal and impeachable charge against the President, it might be demonstrated from all the circumstances attending the transaction. Whilst this resolution was in progress through the Senate, the Bank of the United States was employed in producing panic and pressure throughout the land. Much actual suffering was experienced by the people; and where that did not exist, they dreaded unknown and awful calamities. Confidence between man and man was at an end. There was a fearful pause in the business of the country. We were then engaged in the most violent party conflict recorded in our annals. To use the language of the Senator from Kentucky, we were in the midst of a revolution. On the one side it was contended that the power over the purse of the nation had been usurped by the President; that in his own person he had united this power with that of the sword, and that the liberties of the people were gone, unless he could be arrested in his mad career. On the other hand, the friends of the President maintained that the removal of the deposits from the Bank of the United States was an act of stern justice to the people; that it was strictly legal and constitutional; that he was impelled to it by the highest and purest principles of patriotism; and that it was the only means of prostrating an institution which threatened the destruction of our dearest rights and liberties. During this terrific conflict, public indignation was aroused to such a degree, that the President received a great number of anonymous letters, threatening him with assassination, unless he should restore the deposits.

It was during the pendency of this conflict throughout the country, that the Senator from Kentucky thought proper, on the 26th of December, 1833, to present his condemnatory resolution to the Senate. And here, sir, permit me to say, that I do not believe there was any corrupt connection between any Senator upon this floor and the Bank of the United States. But it was at this inauspicious moment that the resolution was introduced. How was it supported by the Senator from Kentucky? He told us that a revolution had already com-

menced. He told us that by the 3d of March, 1837, if the progress of innovation should continue, there would be scarcely a vestige remaining of the Government and policy, as they had existed prior to the 3d of March, 1829. That in a term of years, a little more than that which was required to establish our liberties, the Government would be transformed into an elective monarchy—the worst of all forms of government. He compared the measure adopted by General Jackson with the conduct of the usurping Cæsar, who, after he had overrun Italy in sixty days, and conquered the liberties of his native country, terrified the tribune Metellus, who guarded the Treasury of the Roman people, and seized it by open force. He declared that the President had perpetrated an open, palpable, and daring usurpation. He concluded by asserting that the premonitory symptoms of despotism were upon us; and if Congress did not apply an instantaneous and effective remedy, the fatal collapse would soon come on, and we should die—ignobly die—base, mean, and abject slaves, the scorn and contempt of mankind, unpitied, unwept, and unmourned. What a spectacle was then presented in this chamber! We are told, in the reports of the day, that, when he took his seat, there was repeated and loud applause in the galleries. This, it will be remembered, was the introductory speech of the Senator. In my opinion, it was one of the ablest and most eloquent of all his able and eloquent speeches. He was then riding upon the whirlwind and directing the storm. At the time I read it, for I was not then in the Senate, it reminded me of the able, the vindictive, and the eloquent appeal of Mr. Burke before the House of Lords, on the impeachment of Warren Hastings, in which he denounced that Governor General as the ravager and oppressor of India, and the scourge of the millions who had been placed under his authority.

And yet, we are now told that this resolution did not intend to impute any criminal motive to the President; that he was a good old man, though not a good constitutional lawyer; and that he knew better how to wield the sword than to construe the constitution.

[Mr. CLAY here rose to explain. He said, "I never have said, and never will say, that personally I acquitted the President of any improper intention. I lament that I cannot say it. But what I did say was, that the act of the Senate of 1834 is free from the imputation of any criminal motives."]

Sir, said Mr. B., this avowal is in character with the frank and manly nature of the Senator from Kentucky. It is no more than what I expected from him. The imputation of any improper motive to the President has been again and again disclaimed by other Senators upon this floor. The Senator from Kentucky has now boldly come out in his true colors, and avows the principles which he held at the time. He acknowledges that he did not acquit

the President from improper intentions, when charging him with a violation of the constitution of his country.

This trial of the President before the Senate continued for three months. During this whole period, instead of the evidence which a judicial tribunal ought to receive, exciting memorials, signed by vast numbers of the people, and well calculated to inflame the passions of his judges, were poured in upon the Senate. He was denounced upon this floor by every odious epithet which belongs to tyrants. Finally, the obnoxious resolution was adopted by the vote of the Senate, on the 28th day of March, 1834.

After the exposition which I have made, can any impartial mind doubt but that this resolution intended to charge against the President a wilful and daring violation of the constitution and the laws? I think not.

The Senator from Kentucky has argued, with his usual power, that the functions of the Senate, acting in a legislative capacity, are not to be restricted, because it is possible that the same question, in another form, may come before us judicially. I concur in the truth and justice of this position. We must perform our legislative duties; and if, in the investigation of facts, having legislation distinctly in view, we should incidentally be led to the investigation of criminal charges, it is a necessity imposed upon us by our condition, from which we cannot escape. It results from the varying nature of our duties, and not from our own will. I admit that it would be difficult to mark the precise line which separates our legislative from our judicial functions. I shall not attempt it. In many cases, from necessity, they are in some degree intermingled. The present resolution, however, stands far in advance of this line. It is placed in bold relief, and is clear of all such difficulties. It is a mere naked resolution of censure. It refers solely to the past conduct of the President, and condemns it in the strongest terms, without even proposing any act of legislation by which the evil may be remedied hereafter. It was judgment upon the past alone; not prevention for the future. Nay, more: the resolution is so vague and general in its terms, that it is impossible to ascertain from its face the cause of the President's condemnation. The Senate have resolved that the Executive "has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." What is the specification under this charge? Why, that he has acted thus, "in the late executive proceedings in relation to the public revenue." What executive proceedings? The resolution leaves us entirely in the dark upon this subject. How could any legislation spring from such a resolution? It is impossible. None such was ever attempted.

If the resolution had preserved its original phraseology; if it had condemned the President for dismissing one Secretary of the Treasury because he would not remove the deposits, and

for appointing his successor to effect this purpose, the Senator might then have contended that the evil was distinctly pointed out; and, although no legislation was proposed, the remedy might be applied hereafter. But he has deprived himself even of this feeble argument. He has left us upon an ocean of uncertainty, without chart or compass. "The late executive proceedings in relation to the revenue" is a phrase of the most general and indefinite character. Every Senator who voted in favor of this resolution may have acted upon different principles. To procure its passage, nothing more was necessary than that a majority should unite in the conclusion that the President had violated the constitution and the laws in some one or other of his numerous acts in relation to the public revenue. The views of Senators constituting the majority may have varied from each other to any conceivable extent; and yet they may have united in the final vote. That this was the fact to a considerable extent, I have always understood. It is utterly impossible either that such a proceeding could ever have been intended to become the basis of legislation, or that legislative action could have ever sprung from such a source.

I flatter myself, then, I have succeeded in proving that this resolution charged the President with a high official misdemeanor, wholly disconnected from legislation, which, if true, ought to have subjected him to impeachment.

This brings me directly to the question, had the Senate any power, under the constitution, to adopt such a resolution? In other words, can the Senate condemn a public officer by a simple resolution, for an offence which would subject him to an impeachment? To state the proposition, is to answer this question in the negative. Dreadful would be the consequences, if we possess and should exercise such a power.

This body is invested with high and responsible powers, of a legislative, and executive, and a judicial character. No person can enter it until he has attained a mature age. Our term of service is longer than that of any other elective functionary. If Senators will have it so, it is the most aristocratic branch of our Government. For what purpose did the framers of the constitution confer upon it these varied and important powers, and this long tenure of office? The answer is plain. It was placed in this secure and elevated position that it might be above the storms of faction which so often inflame the passions of men. It never was intended to be an arena for political gladiators. Until the second session of the third Congress, the Senate always sat with closed doors, except in the single instance when the eligibility of Mr. Gallatin to a seat in the body was the subject under discussion. Of this particular practice, however, I cannot approve. I merely state it to show the intention of those who formed the constitution. I was informed by one of the most eminent statesmen and

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Senators which this country has ever produced, now no more, (the late Mr. King) that for some years after the Federal Government commenced its operation, the debates of the Senate resembled conversations rather than speeches, and that it originated but few legislative measures. Senators were then critics rather than authors in legislation. Whether its gain in eloquence, since it has become a popular assembly, and since the sound of thundering applause has been heard in our galleries at the denunciation of the President, has been an equivalent for its loss in true dignity, may well be doubted. To give this body its just influence with the people, it ought to preserve itself as free as possible from angry political discussions. In the performance of our executive duties—in the ratification of treaties and in the confirmation of nominations—the constitution has connected us with the Executive. The efficient and successful administration of the Government, therefore, requires that we should move on together in as much harmony as may be consistent with the independent exercise of our respective functions.

But, above all, we should be the most cautious in guarding our judicial character from suspicion. We constitute the high court of impeachment of this nation, before which every officer of the Government may be arraigned. To this tribunal is committed the character of men, whose character is far dearer to them than their lives. We should be the rock, standing in the midst of the ocean, for the purpose of affording a shelter to the faithful officer from unjust persecution, against which the billows might dash themselves in vain. Whilst we are a terror to evil-doers, we should be a praise to those who do well. We should never voluntarily perform any act which might prejudice our judgment, or render us suspected as a judicial tribunal. More especially, when the President of the United States is arraigned at the bar of public opinion, for offences which might subject him to an impeachment, we should remain, not only chaste, but unsuspected. Better, infinitely better, would it be for us not to manifest our feeling, even in a case in which we were morally certain the House of Representatives would not prefer before us articles of impeachment, than to reach the object of our disapprobation by a usurpation of their rights. It is true that, when the Senate passed the resolution condemning the President, a majority in the House were of a different opinion. But the next elections might have changed that majority into a minority. The House might then have voted articles of impeachment against the President. Under such circumstances, I pray you to consider in what a condition the Senate would have been placed. They had already prejudged the case. They had already convicted the President, and denounced him to the world as a violator of the constitution. In criminal prosecutions, even against the greatest malefactor, if a juror has prejudged the cause, he

cannot enter the jury-box. The Senate had rendered itself wholly incompetent, in this case, to perform its highest judicial functions. The trial of the President, had articles of impeachment been preferred against him, would have been but a solemn mockery of justice.

The Constitution of the United States has carefully provided against such an enormous evil, by declaring that "the House of Representatives shall have the sole power of impeachment," and "the Senate shall have the sole power to try all impeachments." Until the accused is brought before us by the House, it is a manifest violation of our solemn duty to condemn him by a resolution.

If a court of criminal jurisdiction, without any indictment having been found by a grand jury, without having given the defendant notice to appear, without having afforded him an opportunity of cross-examining the witnesses against him, and making his defence, should resolve that he was guilty of a high crime, and place this conviction upon their records, all mankind would exclaim against the injustice and unconstitutionality of the act. Wherein consists the difference between this case and the condemnation of the President? In nothing, except that such a conviction by the Senate, on account of its exalted character, would fall with tenfold force upon its object. I have often been astonished, notwithstanding the extended and well-deserved popularity of General Jackson, that the moral influence of this condemnation by the Senate had not crushed him. With what tremendous effect might this assumed power of the Senate be used to blast the reputation of any man who might fall under its displeasure. The precedent is extremely dangerous, and the American people have wisely determined to blot it out forever.

It is painful to reflect what might have been the condition of the country, if, at the inauspicious moment of the passage of the resolution against the President, its interests and its honor had rendered it necessary to engage in a foreign war. The fearful consequences of such a condition, at such a moment, must strike every mind. Would the Senate then have confided to the President the necessary power to defend the country? Where could the sinews of war have been found? In what condition was this body at that moment to act upon an important treaty negotiated by the President, or upon any of his nominations? But I forbear to enlarge upon this topic.

I have now arrived at the last point in this discussion. Do the Senate possess the power, under the constitution, of expunging the resolution of March, 1834, from their journals, in the manner proposed by the Senator from Missouri? (Mr. BENTON.) I cheerfully admit that we must show that this is not contrary to the constitution; for we can never redress one violation of that instrument by committing another. Before I proceed to this branch of the subject, I shall put myself right by a brief his-

torical reminiscence. I entered the Senate in December, 1834, fresh from the ranks of the people, without the slightest feeling of hostility against any Senator on this floor. I then thought that the resolution of the Senator from Missouri was too severe in proposing to expunge. Although I was anxious to record, in strong terms, my entire disapprobation of the resolution of March, 1834, yet I was willing to accomplish this object without doing more violence to the feelings of my associates on this floor than was absolutely necessary to justify the President. Actuated by these friendly motives, I exerted all my little influence with the Senator from Missouri, to induce him to abandon the word *expunge*, and substitute some others in its place. I knew that this word was exceedingly obnoxious to the Senators who had voted for the former resolution. Other friends of his also exerted their influence; and at length his kindly feeling prevailed, and he consented to abandon that word, although it was peculiarly dear to him. I speak from my own knowledge. "All which I saw, and part of which I was."

The resolution of the Senator from Missouri came before the Senate on the 3d of March, 1835. Under it the resolution of March, 1834, was "ordered to be expunged from the journal," for reasons appearing on its face, which I need not enumerate. The Senator from Tennessee (Mr. WHITE) moved to amend the resolution of the Senator from Missouri, by striking out the order to expunge with the reasons for it, and inserting in their stead the words "rescinded, reversed, repealed, and declared to be null and void." Some difference of opinion then arose among the friends of the administration as to the words which should be substituted in place of the order to expunge. For the purpose of leaving this question perfectly open, you, sir, (Mr. KING, of Alabama, was in the chair,) then moved to amend the original motion of Mr. BENTON, by striking out the words "ordered to be expunged from the journal of the Senate." This motion prevailed, on the ayes and noes, by a vote 39 to 7; and amongst the ayes the name of the Senator from Missouri is recorded. The resolution was thus left a blank, in its most essential feature, ready to be filled up as the Senate might direct. The era of good feeling in regard to this subject had commenced. It was nipped in the bud, however, by the Senator from Massachusetts, (Mr. WEBSTER.) Whilst the resolution was still in blank, he rose in his place, and proclaimed the triumph of the constitution by the vote to strike out the word *expunge*, and then moved to lay the resolution on the table, declaring that he would neither withdraw his motion for friend nor foe. This motion precluded all amendment and all debate. It prevailed by a party vote; and thus we were left with our resolution a blank. Such was the manner in which the Senators in opposition received our advances of courtesy and kindness, in the moment of their

strength and our weakness. Had the Senator from Massachusetts suffered us to proceed but for five minutes, we should have filled up the blank in the resolution. It would then have assumed a distinct form, and they would never afterwards have heard of the word *expunge*. We should have been content with the words "rescinded, reversed, repealed, and declared to be null and void." But the conduct of the Senator from Massachusetts on that occasion, and that of the party with which he acted, roused the indignation of every friend of the administration on this floor. We then determined that the word *expunge* should never again be surrendered.

The Senator from Kentucky has introduced a precedent from the proceedings of the House of Representatives of Pennsylvania, for the purpose of proving that we have no right to adopt this resolution. To this I can have no possible objection. But I can tell the Senator, if I were convinced that I had voted wrong when comparatively a boy, more than twenty years ago, the fear of being termed inconsistent would not now deter me from voting right upon the same question. I do not, however, repent of my vote upon that occasion. I would now vote in the same manner, under similar circumstances. I should not vote to expunge, under any circumstances, any proceeding from the journals, by obliterating the record. If I do not prove, before I take my seat, that the case in the Legislature of Pennsylvania was essentially different from that now before the Senate, I shall agree to be proclaimed inconsistent and time-serving.

It was my settled conviction, at the commencement of the last session of Congress, that the Senate had no power to obliterate their journal. This was shaken, but not removed, by the argument of the Senator from Louisiana, (Mr. PORTER,) who confessedly made the ablest speech on the other side of the question. The constitution declares that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy." What was the position which that Senator then attempted to maintain? In order to prove that we had no power to obliterate or destroy our journals, he thought it necessary to contend that the word "keep," as used in the constitution, means both to record and to preserve. This appeared to me to be a mere begging of the question.

I shall attempt no definition of the word "keep." At least since the days of Plato, we know that definitions have been dangerous. Yet I think that the meaning of this word, as applied to the subject-matter, is so plain, that he who runs may read. If I direct my agent to keep a journal of his proceedings, and publish the same, my palpable meaning is, that he shall write these proceedings down from day to day, and publish what he has written, for general information. After he has obeyed my commands, after he has kept his journal, and

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published it to the world, he has executed the essential part of the trust confided to him. What may become of this original manuscript journal afterwards, is a matter of total indifference. So in regard to the manuscript journals of either House of Congress; after more than a thousand copies have been printed and published, and distributed over the Union, it is matter of not the least importance what disposition may be made of them. They have answered their purpose, and, in any practical view, become useless. If they were burnt, or otherwise destroyed, it would not be an event of the slightest public consequence. Such indifference has prevailed upon this subject, that these journals have been considered, in the House of Representatives, as so much waste paper, and, during a period of thirty-four years after the organization of the Government, they were actually destroyed. From this circumstance, no public or private inconvenience has been or ever can be sustained; because our printed journals are received in evidence in all courts of justice, in the same manner as if the originals were produced.

The Senator from Louisiana has discovered that to "keep" means both "to record" and "to preserve." But can you give this, or any other word in the English language, two distinct and independent meanings at the same time, as applied to the same subject? I think not. From the imperfection of human language, from the impossibility of having appropriate words to express every idea, the same word, as applied to different subjects, has a variety of significations. As applied to any one subject, it cannot, at the same time, convey two distinct meanings. In the constitution it must mean either "to write down," or "to preserve." It cannot have both significations. Let Senators, then, take their choice. If it signifies "to write down," as it unquestionably does, what becomes of the constitutional injunction to preserve? The truth is, that the constitution has not provided what shall be done with the manuscript journal, after it has served the purposes for which it was called into existence. When it has been published to the people of the United States, for whose use it was ordered to be kept, after it has thus been perpetuated, and they have been furnished with the means of judging of the public conduct of their public servants, it ceases to be an object of the least importance. Whether it be thrown into the garret of the Capitol, with other useless lumber, or be destroyed, is a matter of no public interest. It has probably never once been referred to in the history of our Government. If it should ever be determined to be a violation of the constitution to obliterate or destroy this manuscript journal, it must be upon different principles from those which have been urged in this debate. My own impression is, that, as the framers of the constitution have directed us to keep a journal, a constructive duty may be implied from this command, which would forbid

us to obliterate or destroy it. Under this impression, I should vote, as I did twenty years ago, in the Legislature of Pennsylvania, against any proposition actually to expunge any part of the journal. But, waiving this unprofitable discussion, let us proceed to the real point in controversy.

Is any such proceeding as that of actually expunging the journal proposed by the resolution of the Senator from Missouri? I answer, no such thing. If the constitution had, in express terms, directed us to record and to preserve a journal of our proceedings, there is nothing in the resolution now before us, which would be inconsistent with such a provision.

Is the drawing of a black line around the resolution of the Senate of March, 1834, to obliterate or to deface it? On the contrary, is it not to render it more conspicuous—to place it in bold relief—to give it a prominence in the public view beyond any other proceeding of this body in past, and, I trust, in all future time? If the argument of Senators were, not that we have no power to obliterate, but that the Senate possessed no power to render one portion of the journal more conspicuous than another, it would have had much greater force.

Why, sir, by means of this very proceeding, that portion of our journal upon which it operates will be rescued from a slumber which would otherwise have been eternal, and facsimiles of the original resolution, without a word or a letter defaced, will be circulated over the whole Union.

But, sir, this resolution also directs that across the face of the condemnatory resolution there shall be written by the Secretary, "Expunged by order of the Senate, this—day of—, in the year of our Lord 1837."

Will this obliterate any part of the original resolution? If it does, the duty of the Secretary will be performed in a very bungling manner. No such thing is intended. It would be easy to remove every scruple from every mind upon this subject, by amending the resolution of the Senator from Missouri, so as to direct the Secretary to perform his duty in such a manner as not to obliterate any part of the condemnatory resolution. Such a direction, however, appears to me to be wholly unnecessary. The nature of the whole proceeding is very plain. We now adopt a resolution expressing our strong reprobation of the original resolution; and for this purpose we use the word "expunged," as the strongest term which we can apply. We then direct our Secretary to draw black lines around it, and place such a reference to our proceedings of this day upon its face, that in all time to come, whoever may inspect this portion of our journal, will be pointed at once to the record of its condemnation. What lawyer has not observed upon the margin of the judgment docket, if the original judgment has been removed to a superior court, and there reversed, a minute of such reversal? In our editions of the statutes, have we not all noted

the repeal of any of them which may have taken place at a subsequent period? Who ever heard in the one case or in the other, that this was obliterating or destroying the record or the book? So, in this case, we make a mere reference to our future proceeding upon the face of the resolution, instead of the margin. Suppose we should only repeal the obnoxious resolution, and direct such a reference to be made upon its face: would any Senator contend that this would be an obliteration of the journal?

But it has been contended that the word *expunge* is not the appropriate word; and we have wrested it from its true signification, in applying it to the present case. Even if this allegation were correct, the answer would be at hand. You might then convict us of bad taste, but not of a violation of the constitution. On the face of the resolution we have stated distinctly what we mean. We have directed the Secretary in what manner he shall understand it, and we have excluded the idea that it is our intention to obliterate or to destroy the journal.

But I shall contend that the word *expunge* is the appropriate word, and that there is not another in the English language so precisely adapted to convey our meaning. I shall show from the highest literary and parliamentary authorities, that this word has acquired a signification entirely distinct from that of actual obliteration. Let me proceed immediately to this task. After citing my authorities, I shall proceed with the argument. First, then, for those of a literary character. I read from Crabbe's Synonymes, page 140; and every Senator will admit that this is a work of established reputation. In speaking of the use of the word "expunge," the author says: "When the contents of a book are in part rejected, they are aptly described as being expunged; in this manner the free-thinking sects expunge every thing from the Bible which does not suit their purpose, or they expunge from their creed what does not humor their passions." The idea that an actual obliteration was intended in these cases would be manifestly absurd. In the same page there is a quotation from Mr. Burke, to illustrate the meaning of this word. "I believe," says he, "that any person who was of age to take a part in public concerns forty years ago (if the intermediate space were expunged from his memory) could hardly credit his senses when he should hear that an army of two hundred thousand men was kept up in this island." I shall now cite Mr. Jefferson as a literary authority. He has often been referred to on this floor as a standard in politics. For this high authority, I am indebted to my friend from Louisiana, (Mr. NICOLAS.) In the original draught of the declaration of independence he uses the word "expunge" in the following manner: "Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to expunge

their former systems of Government." Although the word "alter" was afterwards substituted for expunge, I presume upon the ground that this was too strong a term, yet the change does not detract from the literary authority of the precedent.—*Jefferson's Correspondence, &c. 1st vol., page 17.*

I presume that I have shown that the word "expunge" has acquired a distinct metaphorical meaning in our literature, which excludes the idea of actual obliteration. If I should proceed one step further, and prove that, in legislative proceedings, it has acquired the very same signification, I shall then have fully established my position. For this purpose I cite, first, "the Secret Proceedings and Debates of the Federal Convention." In page 118 we find the following entries: "On motion to expunge the clause of the qualification as to age, it was carried—ten States against one." Again: "On the clause respecting the ineligibility to any other office, it was moved that the words 'by any particular State' be expunged—four States for, five against, and two divided." So, page 119: "The last blank was filled up with one year, and carried—eight ayes, two noes, one divided."

"Mr. Pinckney moved to expunge the clause—agreed to, *nem. con.*" Again: "Mr. Butler moved to expunge the clause of the stipends—lost; seven against, three for, one divided." Again, in page 157: "Mr. Pinckney moved that that part of the clause which disqualifies a person from holding an office in the State be expunged, because the first and best characters in a State may thereby be deprived of a seat in the national council."

"Question put to strike out the words moved for, and carried—eight ayes, three noes."

It will thus be perceived that in the proceedings of the very convention which formed the constitution under which we are now governed, the word "expunge" was often used in its figurative sense. It will certainly not be asserted, or even intimated, by any Senator here, that when these motions to expunge prevailed, the words of the original draught of the constitution were actually obliterated or defaced. The meaning is palpable. These provisions were merely rejected; not actually blotted out. But I shall now produce a precedent precisely in point. It presents itself in the proceedings of the Senate of Massachusetts, and refers to the famous resolution of that body adopted on the 15th day of June, 1813, in relation to the capture of the British vessel *Peacock*; denouncing the late war, and declaring that it was not becoming in a moral and religious people to express any approbation of military or naval exploits which were not immediately connected with the defence of our seacoast. Some ten years afterwards, a succeeding Senate of Massachusetts adopted the following resolution:

"Resolved, That the aforesaid resolve of the fifteenth day of June, A. D. 1813, and the preamble thereof, &c, and the same are hereby, expunged from the journals of the Senate."

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It is self-evident that, in this case, not the least intention existed of defacing the old manuscript journal. The word "expunge" was used in its figurative signification, just as it is in the case before us, to express the strongest reprobation of the former proceeding. That proceeding was to be expunged solely by force of the subsequent resolution, and not by any actual obliteration. There never was any actual obliteration of the journal.

Judging, then, from the highest English authorities, from the works of celebrated authors and statesmen, and from the proceedings of legislative bodies, is it not evident that the word "expunge" has acquired a distinct meaning, altogether inconsistent with any actual obliteration?

All that we have heard about defacing and destroying the journal are mere phantoms, which have been conjured up to terrify the timid. We intend no such thing. We only mean, most strongly, to express our conviction that the condemnatory resolution ought never to have found a place on the journal. If more authorities were wanted, I might refer to the Legislature of Virginia. The present expunging resolution is in exact conformity with their instructions to their Senators. As a matter of taste, I cannot say that I much admire their plan, though I entertain no doubt that it is perfectly constitutional. That State is highly literary; and I think I have established that their Legislature, when they used the word "expunge," without intending thereby to effect an actual obliteration of the journal, justly appreciated the meaning of the language which they employed.

The word "expunge" is, in my opinion, the only one which we could have used, clearly and forcibly to accomplish our purpose. Even if it had not been sanctioned by practice as a parliamentary word, we ought ourselves to have first established the precedent. It suits the case precisely. If you rescind, reverse, or repeal, a resolution, you thereby admit that it once had some constitutional or legal authority. If you declare it to have been null and void from the beginning, this is but the expression of your own opinion that such was the fact. This word "expunge" acts upon the resolution itself. It at once goes to its origin, and destroys its legal existence, as if it had never been. It does not merely kill, but it annihilates.

Parliamentary practice has changed the meaning of several other words from their primitive signification, in a similar manner with that of the word "expunge." The original signification of the word "rescind" is "to cut off." Usage has made it mean, in reference to a law or resolution, to abrogate or repeal it. We every day hear motions "to strike out." What is the literal meaning of this expression? The question may be best answered by asking another. If I were to request you to strike out a line from your letter, and you were willing to comply with my request, what would be your con-

duct? You would run your pen through it immediately. You would literally strike it out. Yet, what use do we make of this phrase every day in our legislative proceedings? If I make a motion to strike out a section from a bill, and it prevails, the Secretary encloses the printed copy of it in black lines, and makes a note on the margin that it has been stricken out. The original he never touches. Why, then, should not the word "expunge," without obliterating the proceeding to which it is directed, signify to destroy, as if it never had existed?

After all that has been said, I think I need scarcely again recur to the Pennsylvania precedent. It is evident, from the whole of that proceeding, that an actual expunging of the journal was intended, if it had not already been executed. I have no recollection whatever of the circumstances, but I am under a perfect conviction, from the face of the journal, that such was the nature of the case. I should vote now as I did then, after a period of more than twenty years. Both my vote, and the motion which I subsequently made upon that occasion, evidently proceeded upon this principle. The question arose in this manner, as it appears from the journal: On the 10th of February, 1816, "The Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision," viz: "that a majority can expunge from the journal proceedings in which the yeas and nays have not been called." Now, as no trace whatever appears upon the journal of the preceding day of the motion to which the Speaker refers, it is highly probable, nay, it is almost certain, that the proceedings had been actually expunged before he asked the advice of the House.

No man feels with more sensibility the necessity which compels him to perform an unkind act towards his brother Senators than myself; but we have now arrived at that point when imperious duty demands that we should either adopt this expunging resolution or abandon it forever. Already much precious time has been employed in its discussion. The moment has arrived when we must act. Senators in the opposition console themselves with the belief that posterity will do them justice, should it be denied to them by the present generation. They place their own names in the one scale, and ours in the other, and flatter themselves with the hope that, before that tribunal, at least, their weight will preponderate. For my own part, I am willing to abide the issue. I am willing to be judged for the vote which I shall give to-day, not only by the present, but by future generations, should my obscure name ever be mentioned in after times. After the passions and prejudices of the present moment shall have subsided, and the impartial historian shall record the proceeding of this day, he will say that the distinguished men who passed the

resolution condemning the President were urged on to the act by a desire to occupy the high places in the Government; that an ambition, noble in itself, but not wisely regulated, had obscured their judgment, and impelled them to the adoption of a measure unjust, illegal, and unconstitutional; that, in order to vindicate both the constitution and the President, we were justified in passing this expunging resolution, and thus stamping the former proceeding with our strongest disapprobation.

I rejoice in the belief that this promises to be one of the last highly exciting questions of the present day. During the period of General Jackson's civil administration, what has he not done for the American people? During this period, he has had more difficult and dangerous questions to settle, both at home and abroad—questions which aroused more intensely the passions of men—than any of his predecessors. They are now all happily ended, except the one which we shall this day bring to a close—

“And all the clouds that lowered upon our house,
In the deep bosom of the ocean buried.”

The country now enjoys abundant prosperity at home, whilst it is respected and admired by foreign nations. Although the waves may yet be in some agitation from the effect of the storms through which we have passed, yet I think I can perceive the rainbow of peace extending itself across the firmament of heaven.

Should the next administration pursue the same course of policy with the present; should it dispense equal justice to all portions and to all interests of the Union, without sacrificing any; should it be conducted with prudence and with firmness, and I doubt not but that this will be the case, we shall hereafter enjoy comparative peace and quiet in our day. This will be the precious fruit of the energy, the toils, and the wisdom of the pilot who has conducted us in safety through the storms of his tempestuous administration.

I am now prepared for the question. I shall vote for this resolution, but not cheerfully. I regret the necessity which exists for passing it; but I believe that imperious duty demands its adoption. If I know my own heart, I can truly say that I am not actuated by any desire to obtain a miserable, petty, personal triumph, either for myself, or for the President of the United States, over my associates upon this floor.

I am now ready to record my vote, and thus, in the opprobrious language of Senators in the opposition, to become one of the executioners of the condemnatory resolution.

When Mr. BUCHANAN had taken his seat,

Mr. BAYARD rose and said that, notwithstanding he had not before had an opportunity of expressing his opinion on the subject now under discussion, yet he should have been unwilling at this late hour to have trespassed on the time and attention of the Senate, had he not felt it to be a duty which he owed to himself and to his immediate constituents to

contend and protest against a measure which he believed to be a violation of the constitution. I say, sir, constituents, for, in my theory of this Government, we are all the representatives of the people, though chosen after a different manner. Every infraction of the constitution, however unimportant it may appear in its immediate consequences, tends to diminish the general confidence in the stability of our Government, and the general attachment to it; and as the people of the State I have the honor in part to represent are devotedly attached to that instrument, and feel that their political existence is incorporated with it, that in it they live, and move, and have their being as a political community, I say, sir, it is a duty which I owe to them to contend to the uttermost of my ability against whatever thus incidentally affects them. It is a duty, too, which I owe to myself, as I have a personal interest in whatever affects the character and honor of this body, of which I am a humble member.

What is it, sir, we are called upon to do? A man may do wrong unwittingly, and we must take care to have a clear and precise idea of the act to be done. In words, sir, we are called upon to expunge from the journal a certain resolution, but in fact and in truth, to falsify a record. The same mind which might contemplate the one proposition with indifference, would regard the other with horror. To a mind reckless of consequences, which has no future, which looks only to the present, and views every act as an insulated event, having no relation to what has preceded, and no influence on what is to follow, to expunge from a journal may seem a very harmless act. But, sir, even such a mind might be brought to revolt with disgust from the same measure, when it imported the suppression of the truth, or the assertion of a falsehood. The approaches of crime are stealthy and mysterious; the assassin wears his mask; vice pays to virtue the homage of assuming her form; the knave puts on the cloak of religion; the demagogue becomes the friend of the people. It becomes, then, my purpose to show that to expunge from the journal is to falsify a record.

Let me now draw the attention of the Senate to the terms of the resolution. It professes to set forth the act to be done, and the reasons for doing it. And first, sir, as to the act itself. It is described in these terms:

“*Resolved*, That the said resolve be expunged from the journal, and for that purpose that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session of 1833-'4 into the Senate, and in the presence of the Senate draw black lines around the said resolve, and write across the face thereof, in strong letters, the following words: Expunged by order of the Senate, this _____ day of _____, in the year of our Lord 1836.”

Nothing can be more explicit in its terms. The act to be done is to expunge. The first member of the sentence conveys the whole

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idea; and if the resolution had stopped there, with the simple assertion that an expunction should take place, there cannot be a doubt that the Secretary would have been authorized to blot out or erase from the journal the objectionable passage. The Senator from Pennsylvania (Mr. BUCHANAN) has gone into a critical examination of the meaning of the term *expunge*, and has given us various instances of its use in a metaphorical sense, and concludes that, because the word may be used metaphorically, it is in this instance a harmless metaphor. In all its uses, whether literal or metaphorical, it imports destruction; and the beauty and force of the metaphor in every instance depends on the precise meaning of its literal acceptance. The term *expunge* means literally to wipe out, which imports destruction; or, in other words, it imports that something which has an existence shall cease to exist. Whether the term is at any time used literally or metaphorically, will depend on the subject matter to which it is applied. Thus, in some of the instances given by the Senator from Pennsylvania, as in the one "to expunge our sins," no doubt the word is used metaphorically; but does not the whole force and value of the expression depend on its literal meaning, and import that those sins shall cease to have a moral existence as reasons for the Divine vengeance? And when used as applicable to a section of a bill, which is another instance given by the Senator, does it not mean that such section shall cease to have existence? The Senator asks whether, if a resolution passed that a section of a bill should be expunged, the Secretary would proceed to obliterate it? I answer, that from the method of our proceedings it is not necessary for him to erase every word, because the purpose is effectually answered by drawing his black lines across it, or simply writing upon its face the word "expunged," for in effect it becomes so, by ceasing to have any legal existence; and if such bill were ordered to be engrossed for a third reading, the section thus expunged would be omitted in the engrossment, as if it had never existed. But the authority conferred upon him by such a resolution is literally to erase every word of the section. Such, also, is the case when the word is used in relation to a part of the journal, and becomes his duty to blot out or obliterate from its face the passage ordered to be expunged. But it is said that the present resolution does not contemplate an actual expunction or obliteration of the passage, but merely a typical one. And Senators seek to reconcile themselves to this measure by such a play upon words. A typical expunction! To get rid of the sophistry at once, let me ask whether a journal is not the evidence of a fact, as, for instance, the passage of a particular resolution, and whether to expunge from the journal that resolution is not to destroy the evidence of the fact that such a resolution had been adopted? If, then, you have the right to expunge, and do actually declare that a passage

shall be expunged, does it not for all legal purposes suppress the evidence of the fact, no matter what the manner of expunction may be, whether by erasing, by blotting out, or by writing the word "expunged" over its face? Could the Secretary certify, after the adoption of the expunging resolution, that such a passage existed on the journal? If he were called upon to publish a new edition of the journal, would he have a right to insert the passage expunged? It is in vain that the assertion is made that the printed volumes would be evidence of the fact. The printed volumes are only *prima facie* evidence, and admitted for convenience, but could never stand against a sworn copy of the journal. There is, then, for all the purposes for which a journal is kept, namely, as evidence of a particular transaction, no difference between an actual and a typical expunction. That in the present instance no grave and immediate consequences affecting individual rights is to follow, does not alter the case. The principle asserted in the resolution is, that the right to expunge exists, the mode of doing it is of no consequence; and I will show presently that the exercise of such a power is not only unconstitutional, but may be attended with the most important and direct influence on the personal rights of individuals. The natural import and the necessary legal effect of the phrase "expunge from the journal," is to destroy the evidence of the fact expunged, whether it be used literally or metaphorically.

Having thus ascertained the meaning of the word "expunge" and the effect of any mode of expunction, the question arises whether the Senate possesses any such power over its journal. Has it the right to destroy the evidence of any particular transaction, for the journal is not only the highest evidence, but the only evidence, of the fact? A journal is a daily record, as contradistinguished from a temporary memorandum. But it is contended that, though a record, it is not a permanent one, being of value only until it is published; after which, it becomes mere waste paper. Is this proposition true? For if it be, then, so far as this particular case is concerned, there is an end of the question. The language of the constitution is, "that each House shall keep a journal of its proceedings, and from time to time publish the same." Resort has been had to the meaning of the word "keep," as importing preservation, to show that the constitution contemplated a permanent, and not a temporary, record. But I admit that the word "keep" does not necessarily imply permanent preservation; it may mean preservation for a temporary purpose. The word "keep," like every other word in the language, must depend for its meaning on the manner in which it is used, on the subject matter to which it is applied. Words are but signs of ideas; and it is one of the imperfections of language, that it often expresses too much or too little, while felicity in its use consists in the choice of those terms which convey either the

simple or complex idea with precision. A word, too, may stand for a whole sentence, for a class of ideas, as in the familiar use of this very one. Thus, to keep a horse may not merely mean that he is fed, and curried, and stabled, but that he is rode; as, where the conversation being about the personal habit of any one in relation to exercise, it should be remarked of him he keeps a horse, the term imports both preservation and use. So in the phrase "keep a cow," the use for which she is kept is implied, as if a housekeeper were asked "Do you buy your milk?" and should reply, "No, I keep a cow," it imports not only that she is fed and taken care of, but that she is milked, and her milk consumed by the family. So, "keep a carriage" does not merely mean that a carriage is locked up in the house, but that it is used. "Keep house" imports the burden of household duties; as "keep tavern" imports the duty of receiving and attending to guests. There cannot be a doubt that the phrase "keep a journal" means to make and preserve one. But still the question arises as to the length of that preservation; and it is contended that the subsequent injunction to publish indicates at once the purpose and length of preservation. Is this true? The words are, "keep and publish," not "keep in order to publish." But, waiving all verbal criticism, let me remark that a constitution is merely a collection of principles; and in order to ascertain the force and meaning of any term, it is necessary to attend to the object of the provision, and the principle connected with it. What, then, sir, are the purposes for which a journal is to be kept? I do not pretend to give them all, but some of them, as drawn from the constitution itself; and it will then be seen whether such purposes are of a temporary or of a permanent character, and, by consequence, whether the journal is intended to be a permanent or temporary record. In the first place, it is intended to record the day on which a bill has been presented to the President for his approbation, and the day on which Congress adjourned; for on these two facts may depend the validity of a law. Thus, in the seventh section of the first article of the constitution, it is provided:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, &c. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case, it shall not be a law."

Here is one permanent purpose, as enduring as the law itself.

In the second place, it is intended to record the fact of membership in this body, the Senate

being the judge, and settling the question of membership in cases of contested election, by the express provision of the fifth section of the first article of the constitution. And this was done in the case of the venerable and distinguished Senator from Rhode Island, (Mr. ROBBINS.) Has not he, and has not his State, a permanent interest in that decision, and in the evidence by which it is established? And is not the journal the highest and the only evidence of that fact? Suppose, sir, it should become expedient at any time to expunge such a decision, what would become of the rights of the Senator from Rhode Island, if a competitor were to present himself here for his seat, with fresh credentials from his State.

In the third place, it is intended to record the presence of a quorum at the opening of each session of Congress, as well as to ascertain the fact that Congress did assemble on the constitutional day for its meeting. The journal always opens with a statement of the names of those who assembled, when it is once ascertained that a quorum is present; it is afterwards taken for granted that they perform their duty, and are always present, unless the contrary is made to appear. But if it so happened that no quorum was present, or that Congress had assembled before it had a legal right to do so, the laws passed under such circumstances would be merely void. This, certainly, is a matter of permanent importance.

In the fourth place, it is intended to record the action of this body on the conduct of its members, as in the instance of the punishment of any of them for disorderly behavior. Suppose the case of the expulsion of a member: will not the right of the State from which he comes to send a successor depend on the fact of expulsion? And could you, by expunging the resolution of expulsion, restore him to his seat? And yet, if you destroy the evidence of the expulsion, is there any thing to invalidate his rights as established by his credentials when he first took his seat? Suppose he was elected for six years, and you expel him at the expiration of the second, and then expunge the resolution of expulsion, how would it be possible to contest his right to a seat for the remaining four years?

In the fifth place, it is intended to ascertain the fact of your organization as a court of impeachment, and the judgment passed on the offender. That judgment may extend to a removal from office, and a disqualification to hold and enjoy any office of honor, trust, or profit, which in its nature is perpetual, and is excepted out of the pardoning power which is given to the President in all other cases.

In the sixth and last place which I mean to advert to, it is intended to record the votes of members on matters of moment, that they may be held to their responsibility for pernicious measures. And hence it is expressly provided, in the fifth section of the first article, "that the yeas and nays of the members of either House

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on any question shall, at the desire of one-fifth of those present, be entered on the journal." Has not every individual a personal and permanent interest in the record, for good or for evil? This last purpose has reference to the great principle on which republican government is founded—the responsibility of the representative to his constituents. From a consideration, then, of the purposes for which a journal is to be kept, it is apparent that it is intended to be a permanent, and not a temporary, record. None of those purposes would be effectually answered by the mere publication of the journal. They are matters of fact, of which the journal, I mean the manuscript journal, is the highest evidence, and the only evidence where recourse is had to it, for any legal purpose. To expunge this record is to destroy the evidence of a fact; to falsify history, and verify the remark of the satirical Frenchman, that history is nothing but conventional fables. Let me add, in relation to this matter, that the *suppressio veri* differs nothing in point of morality from the *allegatio falsi*, and that it would be as hard to maintain that you have a right to suppress the evidence of a fact which had occurred in your proceedings, as to maintain that you have the right to assert a fact upon your journal which never had any existence. But it has been contended by some, that, because we have the custody of the journal, we have the right to do with it what we please. And does custody import the right of destruction? Will it be contended that the Secretary of State, who has the custody of your laws and treaties, and even of the constitution itself, has, from that circumstance, the right to blot out sections from your laws, articles from your treaties, and paragraphs from your constitution; that he has the right to mutilate and destroy the records of the nation? In considering his right of expunction, the question is not whether the substance of the resolution proposed to be expunged is true, but whether such a resolution was adopted; that is the point of history. The existence on the journal of the resolution is no evidence of the truth of its allegation, but simply of its adoption; and the future historian, looking to the whole transactions of the time, would decide upon the truth or error of its allegation, without giving to it any greater weight than is due to the mere expression of an opinion. Every Senator who voted for the original resolution has a personal interest in the record.

If it is true that to pass such a resolution was illegal and unconstitutional, and a flagrant wrong done to the President of the United States, then his friends should not desire to have it expunged, but, on the contrary, to preserve it as a monument of reproach to those who participated in the measure. In this view of the subject, it should be preserved as a matter of satisfaction on the part of his friends, and of disgrace and shame on the part of his adversaries. And, on the other hand, if the right existed to pass the resolution, and its al-

legation was true in point of fact, those who sustained it by their vote have an interest in the evidence of their opinion, while those who thought otherwise have the benefit and satisfaction of being able to establish their dissent. In neither view of the case have the friends of the President any fair reason to desire that the evidence of the proceeding should be destroyed. The Senator from Missouri (Mr. BENTON) may glory in the vote he gave on the occasion; the Senator from Kentucky (Mr. CLAY) may do the same; neither has the right to deprive the other of the evidence of his course in relation to it. Those who voted for the resolution alone hazard any thing in preserving that evidence. If they were wrong, then it is for their shame; if they were right, it is the mere expression of an opinion from which others might rightfully and sincerely differ. If the allegations of the friends of the President are true, that the adoption of that resolution was a breach of the constitution, and a most flagrant wrong to him, would it not be more natural that the Senator from Kentucky (Mr. CLAY) should come here to ask us to expunge it, that he might conceal his participation in the matter? Is it not extraordinary that the Senator from Missouri, who takes great credit to himself for resisting the measure, should seek not only to conceal his own glory in opposing it, but the shame of his adversaries in supporting it? What is the purpose to be answered by expunging the resolution? The fact that such a resolution was adopted cannot now be concealed from the eye of history. The journal is only evidence of that fact, and not of the truth of the allegation contained in it. What valuable end, then, is to be accomplished by the expunction? I fear, sir, that the future historian, looking over the whole ground of the controversy, will say, from the nature of the act, that it was a sacrifice, a peace-offering at the altar of executive power. In this view, we have all an interest in the record of the proceedings of this day, for good or for evil report.

But, sir, I come now to consider the reasons which are offered for the adoption of this expunging resolution. They are set forth in the preamble, and I presume they are the best that can be offered. They have been well weighed and considered, and no doubt the ability of the Senator from Missouri has been taxed to the uttermost to present the case in the strongest possible point of view. His reasons are eight in number, and the first of them is in these words:

"And whereas the said resolve was irregularly, illegally, and unconstitutionally adopted by the Senate, in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice: because President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him as a violator of his oath of office and of the laws and constitution, which he was sworn to preserve, protect, and defend, without going through the forms

of an impeachment, and without allowing to him the benefits of a trial or the means of defence."

Is this true in point of fact? The proceeding of which this reason professes to be descriptive was this: On the 28th day of March, 1834, the Senate, in its usual course of business, adopted the following resolution:

"Resolved, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Is this first reason, then, a true description of the subject to which it refers? If the Senate had organized itself into a court of impeachment, called in the Chief Justice to preside, as required by the constitution, and then proceeded to try the President without hearing him, and to pronounce judgment upon him of removal from office, more could not have been said; no stronger language would be required to describe so wanton a violation of constitutional law. Is there no difference between the cases? Can a stronger case of the perversion and abuse of language be put than this, which would represent a simple resolution of a deliberative assembly, expressing merely an opinion, which has no legal effect whatever on the rights of the individual, as the judgment of a court which acts directly and immediately upon those rights? The proceeding referred to has neither the form nor substance of a judgment. Nor is the slightest guilt imputed in the opinion as expressed by the resolution. It states a fact, "that the President has assumed upon himself authority and power not conferred by the constitution;" but is silent as to the motives and intention with which that fact was accompanied, the corrupt and wilful character of which alone could give to the proceeding the attribute of guilt. But suppose, for a moment, that the Senate had, losing sight of the principles of law and justice, formed itself into a court of impeachment, and proceeded, without a hearing, to pass judgment on the individual: would that be a reason for expunging the record, for suppressing the evidence of so monstrous a proceeding? On the contrary, sir, it should stand as a monument of disgrace and dishonor to the men who participated in it. Its legal effect would be nothing; its moral influence would recoil on their own heads, and they should be held to that responsibility to public opinion, to secure which it was provided that the yeas and nays should be entered on the journal. In this view of the subject, the hollowness and fallacy of the reason assigned is manifested by the fact that those who seek to suppress the evidence are not those who advocated, but those who opposed the resolution. But, sir, it is the fate of a false position to embody the principles of its own destruction. If this reason be a true description of the resolution of 28th March, 1834, and sufficient for its expunction, is it not perceived that this very expunging resolution

and its preamble is open to the same objection, as pronouncing judgment on those Senators who supported the former, as guilty of an impeachable offence, and violators of their oaths of office, without the benefit of a trial? It should, then, in its turn, be expunged; and if I were called upon to draw up a preamble upon the strength of this precedent, I should use the same language, as being as fair and legitimate a description of the present resolution and its preamble as this reason is descriptive of the resolution of March, 28, 1834. It is absolutely suicidal.

The second reason is as follows:

"And whereas the said resolve, in all its shapes and forms, was unfounded and erroneous in point of fact, and, therefore, unjust and unrighteous, as well as irregular and unconstitutional; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve; nor in taking upon himself the removing of the deposits, as specified in the second form of the same resolve; nor in any act which was then or can now be specified under the vague and ambiguous term of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people."

The substance of this reason is, that the resolution was erroneous in point of fact. Is that a reason for expunging it? It might form a very good reason for a counter-resolution. The subject is one on which a difference of opinion might fairly exist, and that difference was expressed at the time, both in debate and on the journal; but surely that difference of opinion is no reason for destroying the evidence that such an opinion was expressed.

The third reason is; that

"The said resolve, as adopted, is uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue, without specifying," &c.

This reason conflicts with both the others, implying that, if the resolve were detailed and specific, it ought not to be expunged. If all these are reasons for the same act, they should not be antagonist to each other, but should harmoniously tend to the same conclusion. But want of detail can be no reason for suppressing the evidence that such a resolution was adopted.

The fourth reason is merely an amplification of the third.

The fifth reason is as follows:

"And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and constitution, the adoption of the said resolve before any impeachment preferred by the House, was a breach of the privilege of the House; a violation of the constitution; a subversion of justice; a prejudication of a question which might legally come before the Senate, and a disqualification

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of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence."

The same answer may be given to this reason as is given to the first, that it is not a fair and true description of the case. It treats the resolution of 1834 as if it were a judgment of the Senate in its judicial capacity as a court of impeachment, when, in truth, it is nothing more than the expression of an opinion in its character of a deliberative assembly. It is no breach of the privileges of the House of Representatives, since it neither anticipates nor precludes an impeachment. It is no prejudication of any question which might come before the Senate as a court of impeachment, since such question must be one of guilt; and nothing of the kind is imputed in the resolution. But again: if all this were true, it would be no reason for expunging, or, in other words, destroying the evidence of the fact that such a resolution was adopted.

But, sir, we come now to the sixth reason, which is perhaps the true motive, though not a justification for this extraordinary proceeding, and a gleam of light is thrown upon the subject, which gives it color and complexion. The substance of this reason is, that the President's protest was rejected, and not permitted to be entered upon the journal, while memorials and petitions against him were duly and honorably received. Here is another instance of that conflict with other reasons, which was remarked upon in adverting to the third. It implies that, if the protest had been received, then the resolve should not be expunged. But with that confusion of ideas which seems to characterize the whole preamble, it places the protest of the President on the same footing with petitions from the people. The President demanded that his protest should be spread upon the journal, which he had no right to do. But, supposing for a moment that he had, is the refusal a reason for expunging the resolution to which the protest has reference. The people have an undoubted right to express their opinions and wishes, in the form of petitions and memorials; but the President, as such, has no right to notice the proceedings of any other branch of the Government in the form of a protest. It is no part of the functions or privileges of executive power to review and rebuke the proceedings of the legislative or judicial branches of the Government. The aspect which the whole subject assumes, in contemplating this reason, is that of retaliation. It looks like offering an indignity to this body, by way of compensating the slight of executive power.

The seventh and eight reasons may be classed together, and resolve themselves into the general allegation that the said resolve was inopportune, of evil example, and dangerous precedent; all of which, being a mere matter of opinion, about which a fair difference might

arise, could furnish no reason for expunging the resolve, however it might be urged as a reason for passing a counter-resolution." We have thus, sir, gone through them all, and do not find one which justifies the conclusion that the resolution should be expunged. And if they do not singly support that conclusion, they cannot do it collectively. A thousand bad reasons have no more force than one. We may say, then, of this preamble, what was said of Gratiano's reasoning: "Gratiano speaks an infinite deal of nothing; more than any man in all Venice; his reasons are as two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them, and when you have them, they are not worth the search."

But it is said the Senate had no right to pass such a resolution; that it cannot be justified as the fair exercise of any one of its powers. Still, it may be answered, it is a fact that such a resolution was adopted, and the objection involves a mere difference of opinion, which cannot be a reason for destroying the evidence of the fact. But as to the right itself, I think there can be no doubt of its existence, when the subject is fully understood. The Senate, under the constitution, has various powers—legislative, judicial, and executive. The error lies in attempting to discover and explain the right to pass such a resolution in the exercise of any of these powers.

The object of all these powers is the modification of some social or political right. But the Senate is a deliberative body, and, as such, must have opinions, and express them. It is the inherent right and property of every deliberative assembly to have and express opinions, which only can be done by resolution. A resolution of thanks cannot be traced to any one of these powers; neither can a resolution of condolence; and yet no one ever doubted the right to pass either the one or the other. If it were necessary to resort to the constitution for any express or implied authority, it might be found in the seventh section of the fourth article, which, in its last paragraph, supposes that there are other resolutions than legislative acts, or such as require the concurrence of both Houses. But the very institution of a deliberative assembly, in the nature of things, supposes and involves the existence of opinions and the right of expressing them. The powers of such an assembly, or, in other words, the control which it may exercise over the social or political rights of others, is a very different matter, and depends on the provisions of the constitution which gives it existence. But is it not somewhat remarkable that those who make the objection, do not perceive that this very expunging resolution which they advocate, presupposes the right? If the Senate has no right to pass any resolution but such as can be traced to one of those powers, what right has it to pass this expunging resolution? Into such absurdities, sir, will men fall when they seek to sustain, by reasoning, a false position. The

right, then, to pass such a resolution I take to be unquestionable, and the exercise of it may be, at times, highly expedient, as a check or caution to the wantonness or heedlessness of executive power, and as a measure short of impeachment. But, sir, what is impeachment? A farce, a nullity! It is, like the case of the electoral colleges, an abortion. There is little danger to be apprehended but from a popular President; and the very fact of his being such, under the party organization of this country, supposes the fact that he is sustained and supported by a majority of the body in whom the impeaching power resides. I might here, sir, conclude what I wished to say in relation to the matter now depending before the Senate, having, as I think, established two propositions, which cover the whole ground: first, that the Senate, as a deliberative assembly, had the right to pass the resolution of March 28, 1834; and, secondly, that, whether true or not in point of fact, we have no right to expunge it, because the journal is, by the constitution, a permanent record. I will further incidentally remark that, if the right of expunction exists, and is to be established by this precedent, then a subsequent Senate may expunge this expunging resolution; and so, in all time to come, these successive expunctions may serve to indicate the triumph or defeat of the respective political parties of the country. But an attempt has been made to sustain this measure by a resort to precedents. Sir, precedents are of no authority when opposed to a clear, ascertained, settled principle. They are resorted to in doubtful cases, and often to avoid the force of principle. It is easier, at all times, to follow precedents than to reason. But, sir, above all things, precedents drawn from a period of revolution, such as that referred to by the Senator from Virginia, (Mr. RIVES,) are of no weight in a time of profound tranquillity, when security and leisure give opportunity for reflection. It may be very expedient, in a moment of unsettled government and of violence, to suppress the evidence of a particular proceeding; but one could scarcely rely upon such authority for a warrant to corrupt a constitutional record in moments of security and regular government. And yet such is the character of the Senator's domestic precedent. As to his English precedents, they are of no value on a question like this, which does not depend on general parliamentary practice, but on the express provisions of a written constitution, which has directed the keeping of a journal, and contemplates that journal as a permanent record.

When Mr. BAYARD had concluded,

Mr. HENDRICKS rose and said that, at this late hour of the day, it would be out of place to attempt an argument or a speech to the Senate; and such was not his purpose, in the few words he had at present to say. It had been his intention, some time ago, to have troubled the Senate with his views somewhat at large on the subject; but he would content

himself now with saying a very few words; and this was perhaps necessary, owing to the peculiar position he occupied in relation to the proposition before the Senate. It would be recollected that he had voted against the resolution of 1834, so much complained of—the resolution which it was now proposed to expunge from the journals of the Senate. He did so for many of the reasons contained in the preamble to the resolution now on our tables. In some of the reasons, however, contained in that preamble, he did not concur, and of course could not vote for it. For some of the reasons contained in it he could most cheerfully vote. No member of the Senate more than himself (said Mr. H.) regretted the passage of that resolution. No one could have been more opposed to it. He viewed it as an apple of discord set in motion; a firebrand thrown into the community, calculated to do more harm than any other measure proposed at that eventful session; and he now believed that it had done more harm in exciting party spirit to its present dangerous height than any other measure which could have been proposed. The danger apprehended to the constitution by this act of expunging (said Mr. H.) is a natural consequence of the measure of 1834; as much so as that one act of violence should succeed another. A party in power to-day, and who shall use that power indiscreetly, will be sure to meet with retaliation, as soon as the opposite party shall triumph. Hence, violent measures of this kind are as sure to succeed each other, in the mutations of party power, as effect is to follow cause.

Much, however, as he was opposed to the resolution of 1834, he could not vote to expunge it from the journals. That was a question, in his opinion, having nothing to do with the merits or demerits of the original proposition. The question before the Senate was one of power to expunge the journal, no matter what journal it might be. He thought no such power existed in the Senate, nor anywhere else; and his oath to support the Constitution of the United States was imperative, and prohibited him from giving any such vote, whatever may have been his opinion of the resolution proposed to be expunged. It was, in his view of the constitution, as much a duty to keep and preserve the journals of unconstitutional proceedings, if such there be, as of any other. Our constituents have as much right to know our bad acts as our good ones; because it is for these they will call us to account; and it would be strange doctrine, that we could shield ourselves from responsibility by expunging the journals. The argument, then, of the Senator from Pennsylvania, that the resolution of 1834 was unconstitutional, and therefore ought to be expunged, did not in the least relieve his mind. He understood, too, that this was the basis of the votes of other members of the Senate in favor of expunging. Much as he disapproved of the resolution of 1834, he believed that it was con-

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stitutional, and that it was such a proposition as the Senate might entertain and adopt. He saw nothing unconstitutional about it. It might, or it might not, be considered an abstract proposition. It had, indeed, remained as a mere declaratory expression of the Senate, but it might have been the basis of legislation. Whether it be true or false is a matter of opinion. Those who voted for it unquestionably believed its affirmations to be true. They believed that the President had, in relation to the revenue, exercised authority and power not conferred by the constitution and laws, but in derogation of both. He, who voted against it, believed that the authority and power exercised by the President was not in derogation of the constitution and laws; and, however much he dissented on the ground of expediency from that which had been done, he never doubted the constitutional and legal power of the President to do what he did.

It had been said (continued Mr. H.) that the resolution of 1834 contains impeachable matter against the President, and that, on this account, it is not entitled to a place on the journals. He did not think, however, that it contained any impeachable matter. It charged no evil or corrupt intention, which was the essential ingredient of impeachable matter. He referred to the case of Peck's trial before the Senate, and stated that the absence of proof of corrupt intention was the basis of his acquittal by the Senate. This had been the reason of his own vote of acquittal; and his, he had good reason to believe, was the basis of votes of acquittal generally.

In voting against expunging, he did not vote to affirm the truth of the resolution of 1834. He had already stated the reverse. He believed that the President had the power, whatever he might think of its exercise, under the circumstances of that case. But his opinion that the resolution proposed to be expunged was and is untrue, had nothing to do with his duty in the present case, and could not, in any degree, influence his vote. The Senate had no power to expunge the journals. He could, without the least difficulty, vote upon the journals of the present session a resolution to rescind that of 1834, or to affirm a contrary proposition. This, while it would clearly assert the opinion of the Senate in relation to the proceedings of 1834, would not obliterate the journals of that day, and would have all the effect of the mode proposed.

MR. STRANGE said: I am not unconscious of the disadvantages under which I labor, in addressing the Senate at this late period; but it has been properly remarked, in the course of this debate, that we are engaged in no ephemeral transaction; that this night's work is not to pass away with the occasion; it is not to be consigned at once "to the tomb of the Capulets" with things unworthy of remembrance. All connected with the matter under consideration are doomed to immortality, for good or

for evil; and as it is my destiny and my purpose to appropriate an humble leaf from this fadeless wreath, to rescue from oblivion a name which would otherwise be forgotten when the individual who bears it shall cease to breathe, I wish to say a few words in explanation of my course, not with the vain hope of their being as immortal as the act they accompany, but merely for the temporary satisfaction of my personal acquaintances. I am aware that this subject has been treated with singular ability on both sides of this hall, and may, perhaps, be thought exhausted; but as, in some respects, my views differ considerably from any I have heretofore heard advanced, I take the liberty of offering them. It is the more proper I should do so, as, in a motion I shall take occasion to make before I sit down, I might otherwise subject myself to the misapprehension both of friends and foes, (without meaning, however, to use the latter term in its most offensive sense.)

The Senator from South Carolina, who discoursed so eloquently upon this subject the other day, was pleased to say, facetiously, that those who vote for this expunging resolution will be placed on "a bad eminence," damned to a fame like that of Eratosthratus, who destroyed by fire one of the seven wonders of the world, the Ephesian temple of Diana; and doubtless the same wild fancy which led him to this conclusion, has pictured for himself and his associates a classic reputation like that of the celebrated Roman conspirators, who slew a Caesar in the Capitol. Happily, however, the latter parallel fails in most important particulars; for the ancients actually wrought the physical death of a usurper, while the moderns have only attempted the moral death of a patriot.

I regret that those who framed the preamble affixed to this resolution have thought proper to make it so long, not on account of its having furnished a subject of wit to the Senator from Kentucky, but because it has already thrown difficulties in the way of some, and is still likely to throw difficulties in the way of myself, and others friendly to the resolution itself. That delicate machine, the human mind, formed by an invisible hand, is exceedingly subtle in its operations, and, like the watches which occupied the attention of that great monarch, Charles V. of Germany, after his retirement from the cares of empire, no two will operate precisely alike. Many minds may come to a similar conclusion; but, in the processes by which they arrive at it, will probably all vary in a greater or less degree. This is found to be the case in the most simple and familiar matters, and still more so in those of complication and rare occurrence. I wish some reference could have been had, in framing this preamble, to the advice of a celebrated statesman, to a judge then recently appointed to one of the British provinces. "Decide," said he, "according to your judgment of what is right,

but give no reasons for your decision. Thousands may approve the one, who will not concur with you in the other." Regardless of this prudent counsel, many reasons are offered in this preamble for the ultimate conclusion that it is right to expunge from the journal of the Senate the obnoxious resolution of March, 1834; and among them it is stated that the said resolution was unconstitutional. In this reason I cannot concur, because I do not unite in the opinion that it is founded in fact. I cannot, therefore, conscientiously put it forth in this formal manner, as constituting a portion of the basis of an important action in which I am desirous to unite. An act, according to my understanding, is unconstitutional, which is prohibited, in express terms, by the constitution, or which is done in substantial omission of something commanded by it. Now, I do not find in the constitution any prohibition upon the Senate from uttering an opinion, collectively or individually, upon any subject whatsoever. I agree that the constitution only expressly authorizes them to perform certain legislative, executive, and judicial functions, and prescribes the mode, to a certain extent, in which they shall perform them, and that a performance of these acts in any substantial disregard of this prescription would be unconstitutional, while all acts done, not mentioned or distinctly referred to in the constitution, are done without its warrant. But, then, the constitution has not taken away, so far as the matter under consideration is concerned, that right which, in a state of nature, all men derived from the God who made them, to utter their thoughts, as individuals or collectively, however assembled, upon things in general. Restrictions upon this privilege are certainly to be found in the Divine law itself, and in the many maxims of propriety which society has, from time to time, and in various ways, laid down for the government of its members. But I deny that the Constitution of the United States has laid down any restriction applicable to the present case, and would in vain ask for its production. I know that, in disputing the soundness of this reason set forth in the preamble, I encounter the opinions of many wise men, for whom I have the profoundest respect. But, while this furnishes me with a strong and only reason for doubting the soundness of my own view, it will not justify me in asserting that as a truth of which I am not convinced; and still less that to which my own faculties altogether refuse their assent. When a man undertakes to assert any thing deliberately, he must do so upon his own conviction, and not upon the mere opinions of others. Those who insist upon the unconstitutionality of the resolution of 1834, treat it as an actual impeachment of the President, without having waited for the accusation constitutionally preferred by the House of Representatives. If I could admit or perceive the fact that the resolution of 1834 was an impeachment of the President, in the technical sense of that

word, I should have no difficulty in uniting in the conclusion that it was a palpable violation of the constitution. But impeachment, as used in the constitution, is a technical term, and all that enters into the technical ideas embraced in the term must exist to make it applicable. A number of unauthorized persons may pronounce a man guilty of an offence, but no one for that reason would say that he had been tried. If a judge goes into court, and, without the finding of an indictment, or any other formal accusation against a person, directs an entry to be made upon the record that he is guilty of a certain offence, it could not be said that he had been tried. The substantial part of an impeachment or trial is the punishment consequent upon being found guilty; and no matter by what name a proceeding may be called, it does not meet the idea embraced in these expressions, either in laws or constitutions, if conviction upon it does not involve punishment as a regular consequence. In the proceeding referred to in the Senate, there was condemnation, but it was not a condemnation which drew after it punishment, or in pursuance of which punishment could have been inflicted. In matters of this sort, names are things; and whenever we suffer ourselves to be drawn away from their accepted significations, we cast ourselves upon a wide ocean of uncertainty, and our minds, like a vessel, however richly freighted, without compass or polar star, can never calculate on ultimately reaching any place of security. To say that the Senate impeached the President in the resolution of 1834, is, in my judgment, a pure assumption; and if the resolution was not an impeachment, no one contends, I believe, that it was a literal violation of the constitution. But it is insisted that, if not a literal violation of the constitution, the resolution of 1834 was a violation of its spirit. I belong, Mr. President, to a class of politicians, and I am proud to say so, who deny that the constitution has any spirit. Like Shylock's bond, we hold that whatever is not found in it, cannot be claimed under it; its grants and its prohibitions are such, as that he who reads may perceive them, and no artful constructionist is at liberty to stretch it to his purposes, or to hammer it out, like gold leaf, until it covers the universe. Believing, then, that the Senate was exercising no constitutional function in their vote of censure upon the President; and that in all other matters the constitution leaves to them, unimpaired, all their natural rights of expressing their opinions, in whatever way assembled, and upon any subject, I cannot concur in the reason assigned for expunging the resolution of 1834, that it was an unconstitutional act. But in thus differing with my friends, and making this concession to the opposition, I think I am very far from weakening the cause of the former, and am presenting the latter with a Trojan horse; in admitting that their act was not unconstitutional, I sweep away at a breath the

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make the law by which the person charged is to be tried. What volume contains a recital of the acts for which the President of the United States, or any other public officer, is subject to impeachment? There is no such volume. Any misdemeanor in office will warrant impeachment and conviction; and what is such misdemeanor is left to the mere discretion of the Senate, and they promulge the law at the very moment that they pronounce the guilt of its infraction? It is only necessary for the House of Representatives to charge the offence, and the Senate have then the uncontrollable right to decide the two questions, whether the facts exist; and if so, whether they are the subjects of punishment. Surely, a tribunal so constituted ought, of all others, to keep its faculties uninfluenced by rashly expressed opinions. But the worst feature of impropriety yet remains to be considered. It is a general principle, that no man can be a judge in a cause where he has an interest; but some tribunals are so constituted that this wholesome principle cannot always be applied. In such a case, it would seem that a judge so situated would, above all others, feel most powerfully restrained from allowing himself any indulgence in previous expressions of opinions which might prejudice the person charged, or from prematurely evincing the strength of his own bias. And yet the Senate of the United States, the constitutional tribunal for the trial of the President for unconstitutional acts, prejudices him in a matter in which individual Senators have a personal interest. I do not mean to say that their personal interest was enlisted by golden bribes, received in the shape of fees, or otherwise, from the United States Bank; although such things have been said, I, for one, do not believe them. I do not think that such was the interest they felt in the question. No; a nobler passion blinded them to the impropriety of the act they were committing; a passion which has been called the vice of great minds; a passion planted in the human breast for the wisest purposes; but one of the most dangerous and desolating, where it gains unhallowed mastery. A great political strife had been waging for years, and talent and wealth, and every other engine of human power, had been employed in its progress. No machine had been so powerful as the United States Bank in conducing to the spread of opinions, upon whose success the party to which these Senators belonged, believed its own triumph, and the welfare of the nation, to depend. To these opinions Senators had subscribed in the most decided and public manner, and upon them had staked their hopes of renown and wordly distinction. They were opposed by the administration, and a stern, unyielding front presented by it to their advance. For this the President had been strongly denounced, and Senators themselves had not been backward in breathing upon the waves of opposition, and stirring them into rage; and, finally, in the tumult of this excitement, forget-

ful of the high, honorable, and delicate propriety which, as men and individuals, has ever characterized them, and their elevated standing as the constitutional triers of the President, they commanded his guilt to be recorded before any legal accuser had come forward, and indignantly refused to hear his defence. Am I not warranted, under these circumstances, in pronouncing the act one of gross and flagrant impropriety?

But I have said it is an act dangerous in its tendency as a precedent, and for that reason ought to be expunged. The constitution has pointed out the mode in which the different branches of the Government are mutually to check and balance each other, and nowhere is this informal mode of expressing disapprobation adverted to as one of them. Crimination invariably leads to recrimination. The beginning of strife has been aptly compared in the scriptures to the letting out of waters; the natural result is, that every thing valuable within its reach is carried away in its desolating sweep. "One word," in homely adage, "brings on another;" and whether the strife of tongues begins between two old wives at the fish market, or the President and Senate, anger quickly subdues all the nobler faculties of the mind, and unnatural and cruel warfare is the probable result. A practical illustration of this idea is furnished in the civil wars of England, already alluded to by the Senator from Connecticut. A strife, in which all the ties of family and kindred were dissolved, and the nearest and the dearest brought to quench a savage thirst in each other's blood, originated in an undignified war of words between the King and the Parliament. If the principle be established that it is proper for one branch of the Government, assembled as such, (but in a manner so informal as to leave it a matter of contest whether it is an official act or not,) to condemn the acts of another, the most fearful consequences must be apprehended. If the Senate may informally condemn the President, so it may the House of Representatives, and the House of Representatives the Senate. Scenes must then originate which, if carried out far into practice, would degrade the nation in the eyes of strangers, and add much to the uncertainty of the tenure by which domestic quiet is retained. The principle is therefore dangerous in the extreme, and ought to be most promptly discontinued.

I urge, as a third reason for expunging the resolution of 1834, that it is unjust. It is true the then President of the United States still retains his office, and no removal can take place in consequence of the condemnation therein expressed; yet its obvious and designed tendency must have been to degrade the Chief Magistrate in the eyes of the country. Want of principle, or want of capacity, is the alternative left to him in the estimation of all who believe this accusation to be true. They must either pronounce him a sacrilegious violator of the constitution of his country, or a very incompetent judge of its provisions. "Surely," it would be

said by all whose knowledge of affairs did not induce them to look beyond the mere surface of this transaction, "the Senate would not have thus harshly condemned the President for some slight oversight, for some small misapprehension of duty, into which any man might have fallen. No! no! it is some grave matter, in which the constitution has been so grossly violated that none but a rash, headstrong, unprincipled man, who heeded not, or an ignoramus, too dull to perceive, could have been the actor." This is the natural conclusion; and what a dilemma for one to be reduced to in this land, where popular opinion is to a public man the breath of his nostrils! That the Senate, availing itself of its usually just title to public confidence, should denounce a man, uncited and unheard, as a violator of the constitution of his country, whom the popular voice had pronounced most worthy, among the millions of American citizens, to fill the most dignified and responsible trust, is, to my apprehension, the grossest insult to the public sense of justice I have ever witnessed. Very few, but the very individual against whom it was directed, who would not have sunk beneath it.

But this objection to the resolution of 1834 depends altogether for support upon another, which I come now to consider, embracing, in fact, the pith of this controversy; and that is, as I have said, its falsehood. And here, again, I must apologize for the harshness of the term used, from the necessity I am under to speak plainly, not meaning for a moment to apply it to the individual veracity of those who voted for that resolution. There may be falsehood in a legal conclusion, however sincere the man who arrives at it; and whenever one comes to the conclusion that certain acts are unconstitutional, all who differ with him must believe his conclusion false, whatever terms they may adopt to express their dissent. About the acts done by the President, in reference to which this resolution was adopted, there is no controversy; but that those acts were unconstitutional is, in my judgment, most falsely asserted by the resolution; the position is so false, so gross a perversion of the constitution, that it ought never to have been taken; such a dangerous misrepresentation of that sacred instrument, that it ought, as far as possible, to be annihilated, and treated as though it had never been. It is so palpably erroneous, that I cannot persuade myself that any man of common sense or common honesty, whose mind was perfectly free from previous bias, could for a moment countenance it. But when, as I believe, under the impulse of excited feelings, and in the blindness of party strife, it has received the sanction of the Senate, I am unwilling it should remain, to shed its deceptive light upon future ages, and mislead others to their ruin. At the time this resolution was adopted, I had not the honor of a seat in this body; but I was a lover of my country, and felt a deep solicitude for everything connected with its interests. I then be-

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lieved, and do still believe, its Senate a body surpassed by none on earth in dignity, and my eye was turned anxiously upon its movements. Rumor had given out that this resolution was to be brought forward; I was not ignorant of the obscuring effects of passion upon the clearest intellect; and yet I did think the constitutionality of the President's action so obvious that it was impossible to blink it. I confess, when I first heard the removal of the deposits announced, I was startled by the boldness of the measure, but I did not for a moment doubt the constitutionality of the act. I was apprehensive that the President had so far outrun public opinion, it would never overtake him; and his administration, deprived of that essential support, would no longer be useful to the country. This was the extent of my alarm. Contrary to my expectation, however, the Senate has pronounced the act unconstitutional, and it is not sufficient for us to make a mere negation, without reasoning the matter a little. I am well aware, sir, that the idea of the unity of the Executive has not been opposed only, but has been actually turned into ridicule. But the day has gone by when ridicule was the acknowledged test of truth; it has been found to level its shafts with equal success against subjects the lightest and the gravest—against the phantoms of falsehood, and the most solemn realities. Of the unity of the executive branch of the Government of the United States we need look no farther for evidence than the constitution itself, which declares “the executive power shall be vested in a President of the United States of America.” He is in fact the only executive officer created by the constitution, all others owing their existence to the legislative power of Congress.

In 1800, but a few years after this constitution was formed, and its original plan and design was fresh in the memory of all, the unity of the Executive is distinctly recognized, in a paper drawn up with great care and deliberation, for the express purpose of staying the waves of federal power. I mean Mr. Madison's celebrated report, in which it is stated, “According to the particular organization of the constitution, its legislative powers are vested in the Congress; its *Executive powers* in the President, and its judicial powers in a supreme and inferior tribunals. The union of any two of these powers,” it proceeds, “and still more, of all three, in any one of these departments, must consequently subvert the constitutional organization of them.” The other officers provided by law are mere agents, through whom he is to fulfil the great trust confided to him by the constitution; and whenever the duties prescribed for them from time to time are not, according to his judgment, so performed as best to promote the public good, it is not only his right, but his duty, to change them. His right of removal being thus unquestionable, no charge of unconstitutionality can rest upon him for the mere exercise of a discretion confided to

him by the constitution. But it is not denied by the President or his friends, that the removal of the deposits was, in fact, his own act; and, for whatever of unconstitutionality or illegality may be in it, he is responsible. It is true the charter of the United States Bank declares that bank to be the place of deposit for the public moneys, and that they shall only be removed from thence at the will of the Secretary of the Treasury. Whenever, therefore, that will is expressed, the condition is performed, and the right of the bank to retain the moneys under their charter, viewing it as a contract, expires, and the law of the land regulating the disposal of the public treasure is fulfilled. It is not denied that Mr. Duane, the then Secretary of the Treasury, did not choose so to exercise his will, and refused to order the removal of the deposits; but he was himself removed, and another, quite as wise and as honest, appointed in his stead, who, without hesitation, dissolved the spell by which the bank retained the public moneys, and ordered them to be removed. It is contended that this condition was imposed upon the bank in the retention of the public deposits, altogether in reference to their security, and it was a violation of the compact to remove them for any other reason than insecurity. But are those the terms of the condition? Is any reference made in that condition to the motives upon which the Secretary should exercise the power intrusted to him of putting an end to the depository character of the bank? No such reference, no such intimation, is to be found. Had the bank applied to him for his reasons, he might and ought to have treated the application as an impertinent demand. But reasons he was bound to give to Congress, and he did give them. These reasons could not have been asked for in reference to the rights of the bank, for, so far as she is concerned, a naked trust has been exercised, and there is an end of the matter; but simply to enable Congress, as the guardian of the public treasure, to exercise that supervision over what had been done, its management during the recess, which it ought of right to do. A disingenuous clamor has been raised for the purpose of throwing the true questions in this investigation into obscurity, that the act of removal produced a union of the purse and the sword; but did Congress believe that such would be the consequence, when it expressly authorized the Secretary of the Treasury to make the removal whenever, in his judgment, it should be expedient? And the matter has been treated as if the President had with his own hand made the removal of the deposits. If such were the fact, where was the necessity of removing one Secretary, and putting in another? If the President's purpose was, by actual and lawless force, to seize the money in the Treasury, he might as well have passed by one Secretary as another. But the truth is, as is well known to every intelligent and candid man, the money in the Treasury was just as in-

accessible to the personal contact of the President after the removal as it was before; all the fiscal machinery provided by law for preserving the personal honesty of all having any thing to do with the public money operated in the same way, and precisely the same process was necessary to place a single dollar in the actual grasp of any person whatsoever. But it has been urged, in reference to the public as well as the bank, that the only ground upon which removal was proper was the security of the public money. To this I reply, as before, nothing of the kind is mentioned in the condition of the clause which forms the only restriction in connection with this subject upon the general executive power and duty to act in all things for the promotion of the great purposes of the Federal Government. If, then, the President perceived that for any reason the public good required that the public money should no longer remain in the vaults of the United States Bank, it was not only his privilege but his duty to direct the proper officer to remove it. Should he turn out to be mistaken in his notions of expediency, however reprehensible for want of ability in the discharge of his high functions, there could be no pretence for the charge of unconstitutionality. And here, perhaps, I have said all that is necessary for the maintenance of my position, that the resolution of 1834 was false in asserting the act of the President to be unconstitutional. But I assume for the President still higher ground, and insist that his act was not only legal and constitutional, but that it was in the highest degree expedient; that it was a stroke of generalship which causes the laurels of New Orleans to look pale and withered. We have already had occasion to glance slightly at the history of the times connected with the transaction under consideration. At the close of the war of 1812-'15, the nation was deeply involved in debt, and the national coffers were empty; ingenuity and patriotism were taxed to contrive expedients for meeting the difficult exigency; our recent foes abroad, and malcontents at home, were mocking at our distress, and the political party whose firmness and genius, aided by the valor of our army and navy, had brought to a glorious termination a most unequal war, saw bankruptcy and disgrace ready to overwhelm them. Under these circumstances, as the plank in the shipwreck, the expedient of a United States Bank was seized upon, and some, as I am informed, who doubted its constitutionality, and some even who believed it unconstitutional, were driven by the apparent necessity of the case to give the measure their support. The bank was chartered, performed its functions, and the term of its existence was drawing to a close. Application was made for a renewal of its charter, and having made many friends with "the mammon of unrighteousness," a willing ear was lent to its application. Some believed the question of unconstitutionality put to rest by precedent and adjudication,

and no longer open as an available cause of opposition. For various reasons, however, its prayer for a continuance of its existence was granted by the Senate and House of Representatives. But the concurrence of another branch of the Government was necessary to the completion of its hopes, and its application there was answered by a veto which waked up, as by a trumpet-call sound, republican doctrines long since supposed to have sunk into a slumber from which they would never awake. With a force and clearness which astounded the legions of federalism, and infused new vigor into the republican ranks, the unconstitutionality and inexpediency of rechartering the United States Bank was demonstrated. From that hour, every political engine was set to work to prostrate the only man who could withstand the might of this mammoth institution, and all who entertained like opinions. Presses were subsidized—in various ways the talents of the nation were enlisted in its behalf—and by violent and sudden expansions and contractions, now the hopes and now the fears of the populace were appealed to. Here was a new feature of inexpediency for the recharter of the United States Bank presented to the startled consideration of every lover of his country. In our land, where the popular voice controls and directs every thing, nothing is so important as that that voice should itself be directed by the hearts of the pure and the free. The power and the willingness of this institution to corrupt was alarmingly demonstrated; and it was seen that, under whatever pretences, it would, if rechartered, get possession of the public mind, and wield it to its own purposes, either for good or for evil. From the commanding elevation held by the President, he surveyed the field of combat—he beheld the nature of the strife going on—he perceived that it was a vital one to his beloved country—he found that the monster's power of mischief lay in the deposits, and he determined to remove them. Like a skilful surgeon, he saw that the bank, like a vast cancer, was striking its fibres in every direction, until it would finally become so incorporated with the system, that it could only be removed at the expense of the patient's life. Anticipating this horrible event, he determined with a bold hand to cut it off, while the bystanders looked on in amazement. Yes, sir, it was a master stroke, and the bank and its partisans felt that it was mortal to her, that her vitals were wounded beyond recovery. Among the many caricatures to which a spirit I am by no means disposed to commend has given rise in modern times, one illustrative of this idea struck me as being the best. The bank is represented as a huge old woman, extended upon a bed, in the throes of an emetic operation; beside the bed are various vessels, labelled with the names of the several deposit banks, into which are falling the ejected contents of her stomach, consisting of various gold and silver coins. At her head, in a kindly effort to sustain it, is seated the pres-

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ident of that institution, to whom in her agony she exclaims: "Oh! dear Nick, I am very sick." He promptly replies, "It is all the effect of that last prescription of Dr. Jackson." Yes, sir, that last prescription was fatal to the bank, or at least as nearly so as any thing has yet been; and for that cause mainly has he who framed it been so strongly denounced in the resolution of 1834. But it was a measure adopted in strict accordance with all the forms of law and constitution, and not in derogation of either; a measure for which, through all time, the patriot who reviews his country's history, will revere the memory of him who saved by it the perishing constitution; while, with the men of the present generation, he can hardly determine which most challenges his admiration, the wisdom that planned or the firmness that executed it. Having thus, as I think, shown that this resolution was grossly improper, dangerous in its tendency, unjust in its operation, and untrue in its assertion, I come next to consider the motives upon which we are called to expunge it. The fancy of gentlemen has represented us as ignobly bending at the footstool of power, and licking the dust beneath the monarch's tread—as smoothing the rough mane of the lion, and endeavoring to quiet his frightful roar. Even the car of Juggernaut has been made to roll through this hall, and our garments have been sprinkled with the blood, and our ears stunned with the cries, of the victims crushed beneath its wheels. But these are mere pictures of the fancy, and fancy may paint what she pleases; she does not confine her sketches to the copies of even things that might be, and still less to things that are. Sober reason must perceive that we have nothing to expect from the throne, as it has been called, or from him who fills it; that if the mane of the lion is rough, or his roar is angry, it is not against us that his fury is directed---that reasons enough are found for the expunction of the resolution of 1834, in the opinions we have expressed concerning it. But some of us have a strong and urgent reason to perform this act, in a desire to obey those whom we serve. The voice of the people has commanded it to be done, and that is a voice which public men in our country dare not disregard. Even those who least regard it in practice, dare not openly proclaim their contempt. They may speak of it slightly in the private circle, and in their hearts despise it, and endeavor to explain away its unpleasant requirements; but when forced to encounter its unequivocal declarations, they must tremble and obey; they dare not disregard it. That voice has spoken in general terms throughout the nation; but it has spoken to some of us as it were by name, and through the appropriate medium, and commanded us to act. It has not spoken to me personally, but it has spoken to my predecessor; and, standing in the position I now occupy, I hear the sound still ringing in my ears. It is a command which but seconds my own wishes. I came here an-

ticipating the most cheerful compliance; and I yet hope to yield it, if my own friends do not throw obstacles in the way of my obedience. Yet I will not deny that there is some personal reference to the present Chief Magistrate himself in the act we desire to perform. The period is at hand when he who rescued your daughters from the ruffian pollution of a foreign soldiery, and your soil from the foot of the invader, will be deaf to the strains of gratitude, pressed by the earth he once defended. That he whose voice was loudest in the battles of his country shall be hushed into silence; that he who now holds the sceptre of command will have passed away not only from office, but from life itself, and have joined the spirits of men that have been. Is not the fame of her sons dear to a nation? Has she no pleasure in the glory of her best and her bravest? Has she no interest in preventing the mantle of infamy from wrapping the remains of him who should sleep in the robe of honor? In this view of the subject, I had fondly hoped that the gentlemen of the opposition would have united with us in this act of retribution. That in contemplation of this interesting crisis, the party crust which has heretofore encircled their hearts would have given way, and a flood of tenderness spontaneously gushed forth. That with one generous impulse they would have been the first to rush forward, and pluck off the disgraceful stigma their own hands had affixed, in an hour of passionate excitement. But in this we have been disappointed, and are left alone, in behalf of our country, to make this tardy retribution, to wipe out this new argument for the ingratitude of republics.

Mr. EWING addressed the Senate as follows:

Mr. President: Since the first presentation of this resolution, it has always been my purpose to say something upon it, before it should be brought to a final decision; but I was aware, from indications not to be mistaken, both at the time it was first presented, and at each subsequent session when it was brought forward, that the mover did not design to bring it then to the issue. Indeed, I well knew that it was deemed necessary, as a pending measure, to agitate and excite the country. Every movement with reference to it showed that such was its purpose; and hence, after several months' discussion last year, when there was a clear administration majority in the Senate, and when the long session gave ample time for deliberation and decision, it was permitted to expire on the table, though a vote upon it was challenged by its opponents. But now, now at this moment, its power being expended—every thing being effected by it which can be expected or hoped from it—now it must come, and at once, to a final vote. And gentlemen upon this side of the House, who have been called upon to discuss it—who, because they would not, heretofore, when they saw that it was but a farce, discuss it—are denied a single day—nay, they are not allowed one hour, of

which it is in the power of a fixed and determined majority to deprive them. No courtesy to individuals, which has been usual with this body, or, rather, a part of its very constitution and nature, can procure the slightest relaxation of the iron rule, which seems to be laid down for us; the small favor of a day to deliberate or a night to rest is denied; if we ask for an adjournment, even at this late hour, when all occupation should be suspended, and all labor cease, we hear the cry of "No, no," and "the yeas and nays, the yeas and nays," coming from a quarter which, however it may be respected, is never disobeyed. Gentlemen have their reasons, doubtless. I leave them to weigh the importance of those reasons, and to estimate the propriety of their course. And, subject to all the disadvantages under which I labor—the extreme lateness of the hour, great bodily fatigue, and a want of time to arrange my thoughts and cast them into form, and give them coherence, I proceed, rather than sit by in silence—I proceed to the discussion of this deeply exciting question.

I will not enter again fully into a consideration of the reasons that sustain the resolution of the Senate of the 28th day of March, 1834, which it is now proposed to expunge from the journals of the Senate. At the time when those resolutions were under discussion, I gave reasons, so far as my action was concerned, fully, and in detail. I have re-examined those reasons since, when any excitement to which the occasion may be supposed to have given rise, had subsided, and I find nothing to retract, nothing to alter; time has made no change in my convictions, unless it be to strengthen and confirm them. It would, therefore, be unnecessary for me to touch again that branch of the subject, were it not that the arguments upon the other side have, year after year, been reiterated and re-enforced; the subject which had been thus considered, discussed, decided, and laid aside, is thus revived from time to time and the arguments upon the one side, with a perseverance worthy of a better cause, are again and again shown up before the public, while those which sustained that resolution, having once been triumphant, are since permitted to sleep. I feel the impolicy of our course in this, for hence impressions have taken root, and opinions have grown up in society, which constant vigilance and constant effort, and constantly uniting at all times, and pressing the contest, would have kept down; but it was a natural course; it arose from the repugnance which we all feel to turn to a subject on which the mind has exerted its powers, and retrace the path which we have already trodden, after it is divested of the charm of novelty and the freshness of original thought. But let gentlemen be assured, once for all, and let the country be assured, that we abandon no ground which we have assumed and heretofore sustained. Yet, though I will not go fully into the subject now, I will attempt a brief analysis of

the arguments which, on a former occasion, I presented at large to the Senate.

It is perhaps necessary, in the first place, to say something of the character of the resolution of 1834, and to define as nearly as possible what we understood it to import. Gentlemen say that, in its terms, it conveyed censure of the act of the President, and pains are taken to show that its words imported censure. Now, sir, this argument was wholly unnecessary; this declaration useless; a simple inquiry would have settled the fact; for, so far as I was concerned in this matter, and in this I believe I differed but little from those with whom I acted, I intended no praise—no laudation of the President or his executive act; that was not my object in voting for the resolution. I thought the President, in that act, had broken the laws and violated the constitution of our country; and I intended to say so: I meant to speak the language of an American Senator, and a free American citizen; and the same language which I uttered then I now reiterate, and would on a like occasion again embody it in the form of a resolution. It has also been said that this resolution attributes evil motives to the President, in the performance of this act; and that the act charged, as against the constitution, joined with the motive imputed, forms the subject of impeachment. This is wholly unfounded in fact. The resolution attributes no motive whatever. It speaks in the decorous, and, at the same time, dignified language in which one of the legislative branches of our Government may properly speak of the Executive, or of the co-ordinate branch. We believed that the legislative rights and powers of the Senate had been encroached upon by the President; and that we, who exercised those powers for the time being, as trustees of the people, were called upon to defend, or at least to assert them. This body could speak in that matter only by resolution; and by that means, and in that way, we did assert its rights under the constitution, and we declared that those rights had been violated; but we charged no motive. Gentlemen insist that there is impeachable matter charged in the face of this resolution; and, when we deny it, because no motive is charged, they turn, and say we have abandoned our ground; that we soften down and palliate, to avoid the effect of our own act. This, also, is putting a false face upon the whole matter. I, for one, personally, never said and never believed that the President was actuated in this matter by those high motives of public interest which ought to govern the Executive of a great nation. I never thought so; I never said so; and I have not wavered in my opinion; but that opinion, which was my own, was never incorporated into the resolution, neither in language nor in substance. Then, let the resolution stand for itself, and speak its own language; and let the opinions of each of those who supported it be their own, be they strong or weak, firm or wavering; but let those private and individual

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opinions be kept distinct from the resolution, and let us be met in the argument fairly, not misrepresented.

I presume it will be admitted that it is in the power of Congress and the President, conjointly, by a law, to place the public treasure in such a situation that it will not be in the direct and immediate possession and control of the President. Perhaps I ask too much, by way of concession, considering the temper and character of the present times; but the time has been, and, I trust, will be again, when it would strike any American statesman as a self-evident proposition. The constitution declares that no money shall be drawn from the public Treasury except upon appropriations made by law; and if the Executive be a unit, as has been sometimes contended; and if the keeping of the treasure be necessarily an executive office; and if the drawing of money from the Treasury be also an executive office, the keeping of the treasure and the drawing from the Treasury be both done by the same hand, then have the framers of our constitution failed, miserably failed, in their attempt to adjust its checks and balances—in their attempt to place the sword and the purse of the nation in separate and distinct hands. To say that money shall not be drawn from the Treasury except by appropriations made by law, and yet place the whole treasure of the nation in the hands of the Executive, who is, (according to the political creed of gentlemen,) the disbursing officer, also would be an excess of weakness almost approaching to idiocy.

If, then, it were in the power of Congress to place the public treasure out of the immediate control of the President, it was done in the law chartering the late Bank of the United States. The public moneys were placed in deposit in that bank by law; the bank, therefore, became the Treasury; for that is the Treasury where the public treasure is deposited and kept. The constitution declares that money shall not be drawn from this Treasury except by appropriations made pursuant to law, and the law provides that the deposits (or, in other words, the treasure) shall remain in that bank, unless removed by the Secretary of the Treasury, (not by the President,) and for reasons which he (the Secretary) shall make known to Congress. So stand, or rather so stood, the constitution and the law—as the safeguards of the public treasure. Could the President touch, could he possess himself of, that treasure, without an infraction of the law and a violation of the constitution? Could he, by a straight-forward, direct act, in his own name, and by his own power, unaided by any instrument which he might fashion for himself, or which the constitution had placed in his hands for other purposes? If he could not, is the act the less illegal or unconstitutional when done by indirection? All admit that a direct order from the President would not have touched public funds, and that the immediate keepers of those

funds would not have been bound to obey, or even have been justified in obeying, such order. But the law placed in the hands of the President an instrument with which it could be done, and with which it was done; and I shall now show that it was done by putting a lawful instrument to an unlawful use.

The constitution places the collection of the revenues of the United States in Congress; and the spirit of that provision, coupled with the other provision which requires a law of Congress to draw money from the Treasury, clearly fixes the custody of those revenues, when collected, in the same hands; and the several laws passed shortly after the adoption of the constitution, separating our Government into Departments, and appointing their heads, recognize and keep up this principle. In those acts the Department of state is called an "executive Department." So with the Department of War; and both communicate directly with the President, and not with Congress; while the Treasury Department is not styled executive, and is made to communicate directly with Congress. Thus is explained the intent of the framers of the constitution, and the understanding which a contemporaneous Congress had of its provisions.

But gentlemen here seize upon general terms used in that instrument, and would make them overturn its most particular and express provisions. The Senator from North Carolina (Mr. STRANGE) says that, by the express language of the constitution, "all executive power is vested in the President." The Senator has interpolated a word, and an important one. The constitution does not say "all;" its letter does not, its spirit does not. The language of the constitution is, "the executive power," &c.; but gentlemen, assuming that all executive power is granted, then exercise their ingenuity to find how many of the powers of our Government may be called executive; and all that can be included within that sweeping and undefinable term they attribute to the President. But the constitution does not say "all;" and if it did, the term, as it is elsewhere limited, would not justify their conclusions. Another clause in the constitution does grant "all the legislative powers" to Congress; and yet the same instrument, in another of its articles, confers a large and important portion of those powers upon the President. The judicial power is vested in a Supreme Court of the United States, and such inferior courts as Congress shall from time to time appoint; and yet the same instrument vests in the Senate of the United States an important portion of those judicial powers—the trial of impeachments. It vests in the President "the executive power," and in another article gives to the Senate of the United States a most important share in that executive power. Gentlemen who contend that all power executive in its nature must follow this general grant, and who go for the exact separation, by distinct lines, of the three great powers—

legislative, executive, and judicial—and their investment in three separate, uncontrolled, irresponsible branches, seem to me, with all deference, to understand little of the nature of government. If those powers were exactly separated, so that each stood entirely unchecked and alone, the executive power, being the stronger—indeed, the only power capable of action—having drawn to itself, and, according to gentlemen, being entitled to, the custody of the treasure of the nation, would be independent of all others, and above them all, and all must be absorbed and swallowed up in its vortex.

I have said that the executive act which the resolution of March, 1834, condemns, was, in the language of that resolution, in derogation of both the constitution and law. This I shall attempt to establish.

It was against law. The act of Congress incorporating the Bank of the United States was a law containing in itself a contract as soon as accepted by the bank, and it was a contract for a good and valuable consideration; this contract was violated in its spirit and intent, (and the gentleman from North Carolina (Mr. STRANGE) will not, I presume, deny that this contract had a spirit as well as letter, if the constitution have none.) It was violated in its spirit, and so violated that, as between individuals in a parallel case, an action of law could have been sustained, and damages recovered. This contract was, that the public money should be deposited in the bank, and should be continued there in deposit, until removed by the Secretary of the Treasury, for reasons which he was required to lay before Congress. For this, among other things, the bank agreed to transmit the public funds, wheresoever wanted, free of charge; and it paid, in cash, a large bonus to the Government. Under this contract, it seems to me perfectly obvious, and even self-evident, that the public deposits could not be removed, unless there were some just financial cause for removal. It could not be done to try experiments, nor to test its effect upon the public mind, but for some fiscal reason, of which the Secretary of the Treasury had official cognizance, and which he, as the fiscal agent, could make known to Congress. The removal, too, must, in order to conform to this law, be an act of the Secretary of the Treasury himself—his own official act—his own reason approving, and his own will moving him to its execution. It must have been, likewise, a Secretary, the regular officer of the Government appointed to perform the general duties of that office, and to whose duties this was but incidental and additional; not an officer appointed for the sole and only purpose of doing this act, and pledged or committed to the act before his appointment. If this were not the case, the reference to the Secretary of the Treasury, and the requirement of his reasons, were but a mockery, a criminal evasion of right and justice, which would stamp fraud upon any pri-

vate contract. I have thus shown what ought to have been done according to a fair and just construction of this law and contract: I will now show what was in fact done.

Just after the adjournment of Congress, and but a few weeks after an inquiry in the House of Representatives, and a decision that the public deposits were safe in the Bank of the United States, the President set on foot negotiations with the State banks, with a view to the removal of the deposits; this without the consent or concurrence of the then Secretary of the Treasury to the removal, but with his known and avowed opinion against the propriety as well as the legality of the act. I speak now of Secretary McLane, who was consulted by the President, and required to do the deed. He would not lend himself to be the instrument for any such purpose; he refused, and was removed from that office, to a higher, it is true, but removed so that he went out of the way, and could not prevent the measure. He was of opinion that the deposits could not legally be removed without a reason, and that the reasons alleged as existing were unfounded or insufficient. Now, I contend that, according to any fair construction of the law, the bank had a right to the judgment of Mr. McLane, then Secretary of the Treasury, on that subject, and was entitled to all the benefit of his judgment and his volition; and it was a breach, or, worse, a dishonest evasion of that contract, to put that Secretary out of the way, his opinion having been taken, and because his opinion was taken, and put another in his place in order to try the experiment upon and by that other, especially as the then Secretary was not even accused of the slightest impropriety in his judgment or in his acts. His promotion to a superior office shows that he had not lost the confidence of the Executive. Mr. McLane was removed, and Mr. Duane appointed specially to perform the act. He was approached on the subject, immediately after his appointment, in a manner which touched his spirit and wounded his pride, and by an individual from whose communion he shrunk with disgust. He was pressed by the President himself, but at last refused, because the reasons for the act were insufficient, and he was removed; and so far as executive disappointment and party slander could do it, he was disgraced. The President then called in a third Secretary, who had pronounced an opinion before his appointment; and by the President, through him, the act was done. Now, I say that, if, in a parallel case between individuals, this course had been pursued by one party towards the other, any court or jury would decide, any honest community would declare, that the contract was violated—shamefully violated.

The Senator from Pennsylvania, (Mr. BUCHANAN,) in his zeal to vindicate the acts of the President, and testify his gratitude to him, has done injustice to some of his own constituents—to men, in all the relations of life, social

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and official, as correct and honorable as himself. The gentleman said that the directors of the Bank of the United States, for political effect, for the purpose of operating upon the elections, and compelling a recharter of the bank, first threw out a large amount of bank paper, and created a delusive prosperity; then suddenly contracted their issues, in order to distress the community, and make them cry out for a recharter. This, sir, is not true in the connection and the manner in which it is stated; it is not true in fact, to say nothing about motive. The bank did not contract its issues until it had received notice—unofficial, it is true, but not until it had received notice—that the deposits would be withdrawn, and that the executive power and influence would be directed against the institution, to discredit and destroy it. The documents laid upon our table during that agitating session conclusively show this fact. The public prints of the day, on the side of the administration, show it. The speeches of Senators in this body at that time show it. By all these, the bank was declared to be insolvent, and unworthy of credit. The public deposits were said to be unsafe in its vaults, in consequence of that insolvency; and the agent appointed by the President to settle the preliminaries of a contract with some of the State banks, declares that he will bring the Bank of the United States, as a reptile, to the feet of the Executive. Then, with all this executive power and executive influence directed against it; with this large amount of public deposits to be suddenly and capriciously withdrawn, while at the same time the party press resounded through the Union the approaching prostration and destruction of the bank; while the institution was assailed on all sides, and unadvised of the point at which the next attack was to be made; I ask you, sir, and I ask every candid man, whether the men who managed the affairs of that institution, whose public and whose private characters also were in a high degree involved in making good its defence, I ask whether they can be censured, with any show or color of justice, for using all the lawful means which were placed in their hands to sustain and support the credit of the institution.

Sir, not only their duty to themselves, but their duty to the public at large, required it. If that bank had fallen beneath the weight of the executive arm, it would have dragged down with it most of the banks in the Union, and it would have caused much individual distress, bankruptcy, and ruin. Hence every principle of self-preservation, every motive of patriotism and of duty, united to impel those men to use every means so to guard and fortify and defend their institution, as that it would stand the shock. And they did guard it and defend it so that it withstood a power before which the Bank of England would have fallen, even in its most palmy days. Perhaps they fortified their fortress more strongly than actual neces-

sity required; perhaps they overrated the strength of the enemy, and were not fully conscious of their own; perhaps they remained in their intrenchments after the siege was raised, or the power of the assailants had become exhausted; but if they erred, it was on the side not of danger but of duty, and their success has conferred a lasting benefit on the country. This much I have thought proper to say in behalf of those gentlemen with whom I have some acquaintance, but no connection of any kind; and I say it as an act of common justice towards them, who have been attacked, and whose acts have been misrepresented on this floor.

The Senator from North Carolina, (Mr. STRANGE,) in the abundance of his charity, declares that he does not accuse Senators of taking bribes of the Bank of the United States. He acquits them of the foul charge, as he really believes they were not bribed. The Senate are much indebted to the honorable member for his decree of acquittal, especially as they never constituted him their judge. But what right has he, or what right has any man who is not himself shameless, in the presence of this body or elsewhere, to entertain the infamous proposition for a moment; to speak of it in terms of either denial or belief; to refer to it at all, except to consign the base slanderers who invented and who uttered it, to the depth of infamy which their atrocious falsehoods have merited? But there are bounds to the liberality of the Senator from North Carolina. He thinks, if I have comprehended him, that gentlemen here who were counsel for the Bank of the United States may have been warped in their feelings and judgment from that cause, to form opinions which no unbiassed and intelligent man could form, and to do acts which no honest man having an intellect much above idiocy could do. The Senator has not told us where, or how, or among whom, he has formed his opinion of the bar, especially of those who are admitted to be among its best and most honorable and most enlightened members.

[Mr. STRANGE explained: did not say that gentlemen who were counsel for the bank were biassed from that cause, but that they were warped by political excitement.]

I am happy (said Mr. E.) to receive the explanation of the Senator from North Carolina, and yet I am at a loss to comprehend how he used the fact of the employment of some gentlemen as legal counsel for the bank, and the statement of that fact following, with a "but," the general acquittal of direct and naked bribery. But however these engagements may have been supposed by him or others to operate on the minds of gentlemen with whom they were made, they certainly never affected mine, as I never was in any case the counsel of that institution. Still, I know not but the same influence may be brought equally home to me, for I in several cases profited by the litigation of the bank, by engagements on the opposite

side, which engagements I should never have had, if there had been no bank to bring suits against those who employed me to defend them. So that, on the whole, I believe I must even share with my friends here, whom I have sometimes met in the hall below, where justice is still administered, and where truth and reason and law are not yet outraged or spurned. I must even content myself to share with them in the imputation of that bias which counsellors at law are supposed to feel in behalf of those through whose means they obtain a cause in a court of justice.

But I do not admit that the Senator's charge, as explained, approaches nearer to the truth than that which I had mistaken for it, and which he has just corrected. I, for one, was not moved in this matter by political interest or political excitement. It was a subject for cool deliberation and sober judgment, and I brought the powers of my mind calmly and patiently to act upon it; and when full conviction followed investigation, and my opinion was fixed, I acted in obedience to the dictates of that judgment, not under excitement—unless, indeed, a strong feeling of attachment to those abstractions called law and right, which at some times, and in some minds, warms, and kindles, and glows to enthusiasm, is to be called by that name.

I have said, and have attempted to show, that the act of the President, in the removal of the deposits, was illegal. The Senator from North Carolina cannot conceive it possible that any man can hold such an opinion; but he tells us that he was himself startled at the boldness of the act: he feared the people would not sustain it. And permit me, with all deference, to say to that gentleman, that if the people had not sustained it, he would then have been startled at its illegality. I thought it illegal; so thought twenty-eight out of forty-eight Senators in this body; so thought McLane, Secretary of the Treasury; so thought Duane, who was made Secretary for the mere purpose of doing the act. And when they thought so, their political feelings and their personal predilections were all on the side of those doing the act which their judgments condemned. This same act, sir, which startled the Senator from North Carolina in his private retreat, startled also the nation; and the sensation did not subside until they and he had become used and reconciled to new and extravagant acts of executive power. There are other gentlemen now on this floor who condemned this act in the strongest terms, until they knew that the popular voice would sustain it. The Senator from Virginia near me, (Mr. Rives,) at the close of the last session, in a speech which, I am sorry to say, has never found its way into the public papers, declared that in this act he thought the Executive had gone to the very verge of the constitution, but that he had not overstepped it. I differed from the Senator from Virginia in this only: I thought he had

not only gone to the verge of the constitutional boundary, but that he had broken over it. That gentleman and myself were separated in opinion by a mere mathematical line—length, without breadth or thickness—for he thought, and so said on the occasion I have referred to, that the custody of the public treasure belonged, by the constitution, to the representatives of the States and of the people; and that almost any sacrifice ought to be made, in order to restore it to their hands. But the Senator from North Carolina—whose opinion, since he has recovered from the first surprise that the executive act occasioned, is, on this subject especially, entitled to a very great weight—thinks that no man, possessing both honesty and sense, could vote for the resolution which passed the Senate.

[Mr. STRANGE. I did not say so. I said they could not, unless under strong previous bias.]

Mr. EWING. The explanation amounts to but little. A bias which destroyed the honesty or obscured the sense, is now introduced and attributed, to lighten the odium of the charge which his unqualified language, as I understood it, cast upon the former majority of this body. And now, the Senator from Virginia, who believed the President had gone to the very verge of the constitution, and had then possessed himself of the treasure which, by that constitution, belonged to the representatives of the people, and the Senator from North Carolina, who was, in private, "startled" by the boldness of the act, until he found that the people sustained it, are ready to vote censure and obloquy upon those Senators who ventured to express an opinion, before they knew whether that opinion would be sustained by the popular voice or not. For one, I respect not their opinions, so elicited and so expressed; and I scorn their censure and their reproach. When men use language harsh or vindictive, or utter degrading charges against others at least as honorable as themselves, they seize a two-edged sword, which often wounds the hand that wields it. I am willing to stand in the ranks in which I then stood, and now stand, and receive their onset, no matter how fierce and how furious. I am willing to risk the character of the majority which passed that resolution, for integrity and intelligence, and independence of thought and of action, against this majority, which is now the instrument of its repudiation. And if, in connection with the pregnant incidents of the times, the names of those who have taken part in the moving scenes should descend, and pass in review before posterity, I feel that I have well chosen the rank in which my humble name shall stand to receive the judgment of that august tribunal.

I find that I am desultory and diffuse in my course of discussion, but time was not allowed me to prepare to be connected and brief. I have shown that the removal of the deposits was in violation of a contract, and against law.

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I shall now endeavor to make good the position that it was in violation of the constitution. For this, a few words will suffice; for it flows as a consequence from the illegality of the act of removal, and the conceded point that the Legislature, and not the Executive, is the constitutional keeper and guardian of the public treasure. The President, if he had seized that treasure by an act of open and direct violence, and become himself the keeper, in defiance of legislative authority, would, by the concurrent opinion of all here, have violated that constitution which made the Legislature its keeper. But if, through the exercise of a power which the *law* (not the constitution) placed in his hands for other purposes, he did by lawful means effect this unconstitutional object, does it vary the case, or make the violation of the constitution less certain? The President had by law a right to remove the Secretary of the Treasury, though he had no right to seize the public treasure; but, through the exercise of that power of removal, exerted for that distinct and avowed purpose, and that purpose only, he did seize upon the public treasure, and dispose of it according to his will. He used a lawful weapon to do an illegal and unconstitutional act. This is not difficult to be comprehended. A man has a legal right to use his own walking-stick; yet it is easy to conceive how he may use it illegally. The Senator from Virginia admits that the President almost violated the constitution. "He marched to its verge." I say he overstepped it.

These are my reasons for thinking and for voting that the executive act of the President in the case referred to, was not in accordance with the constitution and law, but in violation of both; and I care not how lightly the Senator from North Carolina may speak of either the sense or honesty which dictated that opinion and that vote. Language such as his on this occasion falls harmless to the ground, or recoils on him who utters it.

Having proved the statement in the resolution true, the next inquiry is as to our right to spread it on the record. Gentlemen on the side of the administration heap upon the act, in this aspect of it, the terms "shameful," "disgraceful," "flagrant impropriety"—all the epithets of detestation and abhorrence which those diligent gentlemen have been able to collect and amass from our whole vocabulary. But let this pass; it amounts to little. Reproach and violence from those who profess to pass judgment, leaves an intelligent public (to whom is the final appeal) impressed with the conviction that the discretion of the judge was lost in his own passion. They probably will not stop to inquire what has become of his propriety. On the one hand, towards the former majority of the Senate we have vituperation and reproach fit to be cast only on a tenant of Newgate, by a felon like himself; and towards the President tirade upon tirade of fulsome flattery, which would make even a coquette turn

sick. Let all this go to the country; a discerning public will see what I see—motives not to be named or avowed, lying deep in the breasts of those who say and do these things—deep, but not hidden, and prompting them, or rather goading them on to the act. As the deed is to be done, I am glad it comes in the form, and is pressed in the spirit and temper which here discloses itself; for, being so done, it will be repudiated as authority, either as to opinion or fact, by every honest and candid mind.

Why was it improper or indelicate to pass this resolution, if the facts and opinions set forth in it be true and correct? Gentlemen say we may not express our opinion of the act, because we may possibly be the triers of the actor. The President might, by possibility, be impeached, and we, as a Senate, would be called upon to try him; therefore, it was indelicate and improper to give an opinion beforehand which might influence our decision hereafter. Now, my answer to this is, that the question of delicacy and propriety here put, is merely of a personal nature, and addresses itself to each individual member rather than to the whole body; for the Senate, as a body, was not committed to any thing by that resolution. Suppose, then, at the time these resolutions passed, with the full knowledge that all of us had of the power of the Executive and the state of parties in the other House; suppose any one here, being asked privately his opinion on the subject, had declined, as a matter of delicacy, to give it, lest he should be committed, in case of an impeachment preferred against the President, which would you have considered it, a serious scruple, or rather an idle jest? The truth is, there is nothing in the point, nor am I able to convince myself that any man ("except under strong political bias") can believe there is any thing in it. As for myself, I knew there was to be no impeachment, and no trial; and my own opinion of propriety and right was then, as it is now, the guide of my own actions. The President had done an act violatory of the constitution, and especially affecting the powers and rights of this body as one of the legislative branches of the Government. What was to be done? Reassert the constitution and the rights of the Senate by law? The executive veto was ready to give a quietus to every law which you might have attempted to pass. He had possessed himself of the public treasure, and you could pass no law to wrest it from his hands. What was to be done? Be calm, say gentlemen; be quiet; make no disturbance; it is quite startling; but say nothing; the country can stand it; and perhaps, if you are silent and patient under this, the President may commit no more acts of violence; but, if you irritate, he may do still worse things. They therefore would have recommended silence and submission.

The Senate, as a legislative body, has the right to assert its own powers by virtue of that first of nature's laws, self-preservation. A

body composed of numerous members can speak only by some prescribed form, such as an order or resolution; and as, in this case, their constitutional powers were assailed, it was their duty, their solemn duty, to reassert them, that the invasion might not stand without objection or contradiction, and thus become a binding precedent in future times.

The resolution of the Senate is also objected to as one couched in terms of censure against the President; it is said to be reproachful in its language and its import. Believing that I have established the position that the resolution is true in point of fact and opinion, and that it was due to the rights of this body, which we were delegated by the States, for the time being, to guard and protect, that we should, in a resolution couched in some language, assert those rights; I now ask any candid man, whether a partisan of the President or not, if he can devise any language, conveying the substance and sense of that resolution, which shall be more decorous and more courteous than that? Can you, sir, convey the idea in milder, more dignified, and more appropriate language? It is true it contains no compliment, no adulation. This the Senator from Pennsylvania has discovered, and therefore condemns it. That gentleman, in reference to the President, uses the word "immaculate," which I never before heard applied to but one created being, and that in worship. This resolution contains no such term, as applied to the President; and I think I would not now, if it were again before the Senate, move to insert the word, even if that would gain for it the vote of the gentleman from Pennsylvania.

In England, from which we derive our free institutions, and to which we still refer for precedent of parliamentary independence, (God knows how long those examples may be endured,) in England it is not deemed the duty of Parliament to address the King, or to answer his address, in terms only of acquiescence and praise. The British Parliament represents a free people, and they have not forgotten to speak the language of freemen; and did any one ever hear of an attempt in that body to cast reproach upon itself or any of its members, because they ventured in such address to move or to express disapprobation of the acts of their monarch, or to assert their own rights or the rights of the people? It certainly has not been deemed a cause for expunging their journals, that they contain something disagreeable to majesty. There was a time, it is true, as late as the reign of Charles the First, when the King sent into the House of Commons his warrant to arrest and imprison members for words uttered on the floor of Parliament; but that time has gone by. Great Britain, moving in the direction towards freedom and the perfecting of free institutions, has long since passed that point, and we, tending as rapidly towards despotic power, have not yet quite reached it. When we look at British precedents and refer

to British history, we ought not to forget that they and we have started at different points, and are moving in different directions. They, beginning with an irregular and almost despotic monarchy, with undefined powers, checked only by the strength of the feudal aristocracy, have marched onwards slowly but steadily, step by step, towards the perfection of a free and representative Government; and perhaps they are still moving onward. We, commencing with a pure constitutional representative Government, with justly balanced powers, have rushed onward with a velocity almost inconceivable towards despotism, if it be decorous to call that despotism which concentrates all the powers of the Government in a single man, and makes his will the law. If, in our different course, we should meet our great archetype, and find, at some one moment of our history, our Government to be what hers is or was, we are not to suppose that our career is thenceforward to be the same. If we meet, we pass with the swiftness of moving engines, so that we can scarcely catch a glance of that which we have met, and from which we are passing.

Mr. President, every thing intrinsic and extrinsic, all that can catch the popular ear or enlist one vulgar passion, no matter how low and base, is resorted to by gentlemen who ought to be, and who are, honorable, to sustain them in the commission of this act. The Senator from Virginia, (Mr. RIVES,) could you credit it, sir, says that this Senate, which is one of the constitutional departments of our Government, and without which the form as well as the essence of our Government could not exist; that this Senate, of which he himself is a member, and which a common but very homely proverb might teach him he could not dishonor without self-degradation; this Senate, he says, is essentially an aristocratic body, riding upon the backs of the people. Do we hear that here, and from such a source, or was I deceived? Who are they that compose the aristocracy of this body? Men elected by the State to discharge, for a time, an important trust; and who, when that trust is discharged, and the period of their service ended, return again to the common mass from which they were taken? Aristocracy! Where is the danger, where is the possibility, of an aristocratic order rising up in this Union? Look about you everywhere: men who hold the highest stations, and wield the greatest influence, and even wealth, spring from the common ranks of the people. Their power and their influence they cannot transmit; and, as to their wealth, when the hand that gathered and the hand which holds it shall moulder in the dust, it is scattered to the four winds of heaven; it goes to build up and enrich the son of the hard-handed yeoman; and the children's children of him who counted his gold by millions become, not beggars, but common laborers in our streets. Where, then, is the danger of aristocracy in America? There is one source from which it may flow in

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upon us, and one only. When our public offices become transmissible by the will of the incumbent to his successor; when the men who hold station can direct the line through which the succession to that station shall descend, whether by birth to the son, or by appointment to the favorite, we have, in substance, a monarchy, and we have an aristocracy, in the classic language of the Senator, "riding on the backs of the people;" nay, we have worse, a shameful, corrupt, and corrupting oligarchy.

The gentleman from Pennsylvania (Mr. BURCHANAN) says that the Senate is merely called upon to rejudge its own justice; in other words, to determine whether the opinion it expressed was correct or not. But is this true? Is that the act to which the majority of the Senate is now proceeding? If so, it were but an expression of opinion adverse to opinions heretofore expressed by a former majority, and entirely consistent with gentlemanly intercourse and feeling. But no such thing. No; it is placed, and it is pressed, as a vote of censure and opprobrium upon the former majority. The gentleman from Pennsylvania, it seems, once intended it should assume a form consistent with the courtesy and propriety of legislative bodies. He promised the striking out of the obnoxious word "expunge," and so the resolution was to have passed; and what strong motive, or strong offence, could have induced the Senator to abandon his conciliatory course, and again poison the resolution with insult and reproach? What, think you, could have so driven him from his propriety? Why, truly a Senator from Massachusetts, some two years since, moved to lay the expunging resolution, when so amended, on the table; that was the insult: a motion to lay a resolution on the table is the mighty insult which swells the hearts of gentlemen almost to bursting with patriotic indignation, and which justifies all this harsh and ruthless violence. Hence the word "expunge" in the body of the resolution—hence a recital charged with as harsh and injurious imputation as gentlemen can use towards each other, if not more harsh and more injurious. The Senator from Pennsylvania says he wished to be saved the necessity of compelling the Senate to vote this stigma upon themselves. Who, I ask, gave him, and those with whom he acts, power, and who gave them impunity, to fix stigmas, or compel stigmas, upon men, in all things honorable, their equals at least? Who cares for their stigma or their censure? I, for one, cast them to the winds. I despise, I trample upon them. Sir, since it has been determined that a resolution in any form inconsistent with the resolution of March, 1834, should pass; and since there is at last a majority in the Senate ready to obey the mandate, I am glad once again that it contains substance, and has assumed a form, which will forever destroy it as authority for the future; and when it comes to an issue such as this, veracity, and honor, and character brought into

collision, I fear not the issue of the contest, and I care not with what weapons it is waged. All at last results in an appeal to the country and to future times. And if this resolution had been couched in language of decent sobriety; if it had been in its terms calm, dispassionate, and strong, it would, by virtue of the names which support it, have carried with it much weight and authority; but now there is no danger of this; the resolution itself, and the speeches with which it is ushered in, show the spirit by which it is moved. Sir Edward Coke, at a time when he was himself a sycophant, called Sir Walter Raleigh "a spider of hell," because Raleigh was unhappily out of favor with his sovereign; yet, no one at this day esteems Coke the more or Raleigh the less for this outpouring of malignity. Edmund Saunders, in the report of one of his cases at law, says that Twysden (Justice) gave judgment *in furore*; and he adds, in his quiet manner, "note, reader, his judgment was clearly wrong;" and such has been the universal opinion of the profession since; and such will be the opinion, *a priori*, of mankind, as to every judicial decision, and every act of a deliberative body, which is the result of passion rather than of reason and judgment.

The majority of the Senate, who are moving on, or, perhaps, more properly speaking, moved on, to the destruction of the journals, ought to consider well the act which they are about to perform. The constitution, which we and they are sworn to support, requires that the Senate shall "keep" a journal of their proceedings; much useless learning was expended upon this word at the last session. We know its meaning without consulting our dictionaries; its popular sense is its true sense. The framers of the constitution did not search books for the definition of the word, but understood it and used it in its plain and obvious sense; and they would have been astonished if it had been told them that that word could ever become the subject of cavil. That it has so, and that it is now the doctrine of the majority that the destruction of the record is no infraction of the constitution, which requires that it shall be kept, is a touchstone by which the value of their judgment against the former majority of the Senate may be tested. It is a matter that every man of plain common sense can understand and decide, as well as the most learned and most wise; and they can, from this specimen, determine how much weight is due to the opinions of men who hold that to erase, to blot out, to expunge, is not inconsistent with the command "to keep," to which command we all have sworn obedience. I will not touch the miserable sophistry by which gentlemen attempt to evade the meaning and wrest the sense of this provision of the constitution: it does not merit a reply.

The constitution of Pennsylvania is substantially copied, in this particular, from the Constitution of the United States; like that, it con-

tains a provision that both Houses shall keep a journal. The Senator from Pennsylvania, many years ago, while a member of one branch of that Legislature, moved a resolution declaring that it was a violation of the constitution to expunge any thing from the journal once entered there. He is of the same opinion still; and he proposes to be consistent, and yet vote for expunging what is entered on the journals of this body, under a precisely similar constitutional provision. Could any man, who had not heard him, conjecture how this could be done? The word *expunge* has, he says, a literal, and it has also a metaphorical meaning; and the records of the Senate are to be expunged metaphorically. What a farce, if its atrocity would permit us to look upon it as a subject of ridicule! But who could avoid smiling, even in the midst of bitterness, to see the array of authorities which the erudite Senator adduced to show that the word "expunge" is used metaphorically in cases where it cannot have a literal application? He has shown us examples in which good writers speak of expunging forms of government, systems of religion, and the vices of men—all clearly metaphorical, and known at once to be so, because they are not susceptible of the literal and physical application of the term. You cannot draw a black line over, nor can you draw black lines round, a "form of government," for you cannot touch it or handle it, though you may mar its symmetry and destroy its strength; nor can you take physical, tangible hold of systems of religion or of human vices; hence the terms you apply to them are necessarily metaphorical, whether you expunge, uproot, or demolish them. But if you expunge a writing which is on paper, or uproot a tree or shrub, or demolish a building, the words then have their literal meaning, capable only of literal, physical application; and he who pretends to use it under those circumstances metaphorically, wrests the word from its true use, and gives it a false application. Expunge metaphorically! The disquisition of the learned gentleman reminds me of the death of two doughty heroes in a fatal battle, commemorated in the "Rape of the Lock"—

"One died in *metaphor*, and one in song."

It will be seen at once that the thought is much better in a burlesque poem than in grave debate on the floor of the Senate.

But the Senator from Pennsylvania has spread cheering prospects before us; a bright vista, opening amid the surrounding gloom, to delight our vision. This, he says, is the last exciting subject that is to agitate our councils; we are to have a halcyon season; all is to be, henceforth, quiet, and kindness, and peace. But he has not told us how these things are to be brought to pass; whether this is the last act of violence that is to be perpetrated by the majority against the constitution of their country and the rights of this body; or whether he sup-

poses that, by this, the spirit of liberty is to be crushed, and we are to be awed to silence and submission. I will suppose the first, as it better accords with the kindness which he still entertains for those whose rights and feelings he has most outraged; and if so, his language may be rendered into brief, plain English, thus: Gentlemen, be quiet and be calm; meet us with no arguments, and cast on us no reproaches; the President must be gratified, because he is immaculate; and you must be stigmatized, because you have offended him. We may be somewhat harsh and unscrupulous, but excuse us, for we are very much excited; but this is the last time we will do an act of lawless violence against you; all shall be, henceforth, justice and peace.

I should be gratified to know that the Senator from Pennsylvania has that power over the political elements which he seems to claim, in giving us this strong assurance of their future quiet. Would that we could rely upon his promise or his prediction; but no, he is deceived. Those who have abandoned the standard of the constitution and the law, cannot, when they choose, rear it again, and rally the hosts around it, and calm their fears, and reanimate their confidence. They cannot lay their hands upon the institutions of their country, and pull down and destroy, until they themselves shall be satisfied, and then bid the work of mischief cease. When the ocean is lashed into a rage, no matter who are the spirits of the storm, they cannot say to it, "thus far shalt thou go, and no farther; and here shall thy proud waves be stayed." No, he is deceived; there are other powers in motion below and around him, which he wists not of, and whose might he can neither direct nor resist. I have stood upon the borders of this mighty ocean, and noted the precursors of the coming storm. I have heard the moan of the waves in the caverns of the deep, and seen the upheaving of the billows, which will rise, and rage, and toss, as foam from their crest, him and those who are now his trust and his strength.

Mr. President, I envy not the triumph of him who has pressed forward these resolutions, against the opinions, and the feelings, and the consciences, of those whom he has found means to compel to their support—resolutions which he has urged on with passions—fierce, vindictive furious. Still less do I envy the condition of those who are compelled to go onward, against all those feelings and motives which should direct the actions of the legislator and the man. Why do I see around me so many pale features and downcast eyes, unless it be that repentance and remorse go hand in hand with the perpetration of the deed? I had rather stand with the minority; yes, I would rather a thousand times stand alone, powerless but conscience-free, than to wield the strength of an empire, on the hard conditions on which it is placed in their hands.

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But this scene is passing, and will soon have passed, not to be recalled—the deed is to be done, and you and we must submit our acts to an enlightened public, whose judgment will be a foretaste of the judgment of posterity. To these I bow with submission and hope, but not with unwavering confidence of the future. The fame of those who have joined in this struggle for the constitution depends upon the final success of constitutional government. If that prevail and endure, if the clouds that overshadow its prospects pass away, and it be restored to what it once was, in all its freshness and beauty, every thing that we could desire for ourselves and our country is attained. But if we still move on in the downward course, if the cataract only be passed, and we are to glide on in the smooth but rapid current into the gulf to which we have been tending, and are never to return, these struggles will be referred to hereafter as scenes in which the country was disturbed by violent and factious spirits, and the names of those who stood for the constitution amid these stormy scenes will be mentioned only with censure and reproach. So it has been in times past. When the last spark of Roman liberty was extinguished, and a monarch's court and council occupied the forum and the Senate chamber, when no voice but that of Augustus was heard, and no power but his was known, the venal flatterers of his court vied with each other in heaping praise on him, and censure and reproach on those firm spirits who stood for their country to the last, and were at last buried in its ruins. Cæsar, by his power and clemency, had subjugated a world; all but the dark and unbending soul of Cato. In an event such as this, (which Heaven avert,) let the little band to which it is my pride to belong, share in the reproach as they share in the spirit of the last of the Romans—that spirit which scorns to bow before any earthly power, save that of their country and its laws.

Protest of the Senators from Massachusetts.

The debate having closed, and the question being about to be taken, Mr. WEBSTER rose and addressed the Senate as follows:

Mr. President: Upon the truth and justice of the original resolution of the Senate, and upon the authority of the Senate to pass that resolution, I had an opportunity to express my opinions at a subsequent period, when the President's protest was before us. Those opinions remain altogether unchanged.

And now, had the constitution secured the privilege of entering a PROTEST on the journal, I should not say one word on this occasion; although, if what is now proposed shall be accomplished, I know not what would have been the value of such a provision, however formally or carefully it might have been inserted in the body of that instrument.

But, as there is no such constitutional privilege, I can only effect my purpose by thus ad-

ressing the Senate; and I rise, therefore, to make that PROTEST in this manner, in the face of the Senate, and in the face of the country, which I cannot present in any other form.

I speak in my own behalf, and in behalf of my colleague; we both speak as Senators from the State of Massachusetts, and, as such, we solemnly PROTEST against this whole proceeding.

We deny that Senators from other States have any power or authority to expunge any vote or votes, which we have given here, and which we have recorded, agreeably to the express provision of the constitution.

We have a high personal interest, and the State whose representatives we are, has also a high interest in the entire preservation of every part and parcel of the record of our conduct, as members of the Senate.

This record the constitution solemnly declares shall be *kept*; but the resolution before the Senate declares that this record shall be *expunged*.

Whether subterfuge and evasion, and, as it appears to us, the degrading mockery of drawing black lines upon the journal, shall or shall not leave our names and our votes legible, when this violation of the record shall have been completed, still the terms "to expunge" and the terms "to keep," when applied to a record, import ideas exactly contradictory; as much so as the terms "to preserve" and the terms "to destroy."

A record which is *expunged*, is not a record which is *kept*, any more than a record which is *destroyed* can be a record which is *preserved*. The part expunged is no longer part of the record; it has no longer a legal existence. It cannot be certified as a part of the proceeding of the Senate for any purpose of proof or evidence.

The object of the provision in the constitution, as we think, most obviously is, that the proceedings of the Senate shall be preserved, in writing, not for the present only, not until published only, because a copy of the printed journal is not regular legal evidence; but preserved indefinitely; preserved, as other records are preserved, till destroyed by time or accident.

Every one must see that matters of the highest importance depend on the permanent preservation of the journals of the two Houses. What but the journals show that bills have been regularly passed into laws, through the several stages; what but the journal shows who are members, or who is President, or Speaker, or Secretary, or Clerk, of the body? What but the journal contains the proof, necessary for the justification of those who act under our authority, and who, without the power of producing such proof, must stand as trespassers? What but the journals show who is appointed, and who rejected, by us, on the President's nomination; or who is acquitted, or who convicted, in trials on impeachment? In short, is

there, at any time, any other regular and legal proof of any act done by the Senate than the journal itself?

The idea, therefore, that the Senate is bound to preserve its journal only until it is published, and then may alter, mutilate, or destroy it at pleasure, appears to us one of the most extraordinary sentiments ever advanced.

We are deeply grateful to those friends who have shown, with so much clearness, that all the precedents relied on to justify or to excuse this proceeding, are either not to the purpose, or, from the times and circumstances at and under which they happened, are no way entitled to respect in a free Government existing under a written constitution. But, for ourselves, we stand on the plain words of that constitution itself. A thousand precedents elsewhere made, whether ancient or modern, can neither rescind, nor control, nor explain away, these words.

The words are, "each House shall KEEP a journal of its proceedings." No gloss, no ingenuity, no specious interpretation, and much less can any fair or just reasoning, reconcile the process of expunging with the plain meaning of these words to the satisfaction of the common sense and honest understanding of mankind.

If the Senate may now expunge one part of the journal of a former session, it may, with equal authority, expunge another part, or the whole. It may expunge the entire record of any one session, or of all sessions.

It seems to us inconceivable how any men can regard such a power, and its exercise at pleasure, as consistent with the injunction of the constitution. It can make no difference what is the completeness or incompleteness of the act of expunging, or by what means done, whether by erasure, obliteration, or defacement; if by defacement, as here proposed, whether one word or many words are written on the face of the record; whether little ink or much ink is shed on the paper; or whether some part, or the whole, of the original written journal may yet by possibility be traced. If the act done be an act to expunge, to blot out, obliterate, to erase the record, then the record is expunged, blotted out, obliterated, and erased. And mutilation and alteration violate the record as much as obliteration or erasure. A record, subsequently altered, is not the original record. It no longer gives a just account of the proceedings of the Senate. It is no longer true. It is, in short, no journal of the real and actual proceedings of the Senate, such as the constitution says each House shall keep.

The constitution, therefore, is, in our deliberate judgment, violated by this proceeding in the most plain and open manner.

The constitution, moreover, provides that the *yeas and nays*, on any question, shall, at the request of one-fifth of the members present, be entered on the journal. This provision, most manifestly, gives a personal right to those

members who may demand it, to the entry and preservation of their votes on the record of the proceedings of the body, not for one day or one year only, but for all time. There the *yeas and nays* are to stand, forever, as permanent and lasting proof of the manner in which members have voted on great and important questions before them.

But it is now insisted that the votes of members, taken by *yeas and nays*, and thus entered on the journal, as matter of right, may still be expunged; so that that, which it requires more than four-fifths of the Senators to prevent from being put on the journal, may, nevertheless, be struck off, and erased, the next moment, or at any period afterwards, by the will of a mere majority; or, if this be not admitted, then the absurdity is adopted of maintaining that this provision of the constitution is fulfilled by merely preserving the *yeas and nays* on the journal, after having expunged and obliterated the very resolution, or the very question, on which they were given, and to which alone they refer; leaving the *yeas and nays* thus a mere list of names, connected with no subject, no question, no vote. We put it to the impartial judgment of mankind, if this proceeding be not, in this respect also, directly and palpably inconsistent with the constitution.

We protest, in the most solemn manner, that other Senators have no authority to deprive us of our personal rights, secured to us by the constitution, either by expunging, or obliterating, or mutilating, or defacing, the record of our votes, duly entered by *yeas and nays*; or by expunging and obliterating the resolutions or questions on which those votes were given and recorded.

We have seen, with deep and sincere pain, the Legislatures of respectable States instructing the Senators of those States to vote for and support this violation of the journal of the Senate; and this pain is infinitely increased by our full belief, and entire conviction, that most, if not all these proceedings of States, had their origin in promptings from Washington; that they have been urgently requested and insisted on as being necessary to the accomplishment of the intended purpose; and that it is nothing else but the influence and power of the executive branch of this Government which has brought the Legislatures of so many of the free States of this Union to quit the sphere of their ordinary duties, for the purpose of co-operating to accomplish a measure, in our judgment, so unconstitutional, so derogatory to the character of the Senate, and marked with so broad an impression of compliance with power.

But this resolution is to pass. We expect it. That cause, which has been powerful enough to influence so many State Legislatures, will show itself powerful enough, especially with such aids, to secure the passage of the resolution here.

We make up our minds to behold the spectacle which is to ensue.

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We collect ourselves to look on, in silence, while a scene is exhibited which, if we did not regard it as ruthless violation of a sacred instrument, would appear to us to be little elevated above the character of a contemptible farce.

The scene we shall behold, and hundreds of American citizens, as many as may crowd into these lobbies and galleries, will behold it also: with what feelings, I do not undertake to say.

But we PROTEST, we most solemnly PROTEST, against the substance and against the manner of this proceeding, against its object, against its form, and against its effect. We tell you that you have no right to mar or mutilate the record of our votes given here, and recorded according to the constitution; we tell you that you may as well erase the *yeas* and *nays* on any other question or resolution, or on all questions and resolutions, as on this; we tell you that you have just as much right to falsify the record, by so altering it as to make us appear to have voted, on any question, as we did not vote, as you have to erase a record, and make that page a blank, in which our votes, as they were actually given and recorded, now stand. The one proceeding, as it appears to us, is as much a falsification of the record as the other.

Having made this PROTEST, our duty is performed. We rescue our own names, character, and honor, from all participation in this matter; and whatever the wayward character of the times, the headlong and plunging spirit of party devotion, or the fear or the love of power, may have been able to bring about elsewhere, we desire to thank God that they have not, as yet, overcome the love of liberty, fidelity to true republican principles, and a sacred regard for the constitution, in that State whose soil was drenched, to a mire, by the first and best blood of the Revolution. Massachusetts, as yet, has not been conquered; and while we have the honor to hold seats here as her Senators, we shall never consent to a sacrifice either of her rights, or our own; we shall never fail to oppose what we regard as a plain and open violation of the constitution of the country; and we should have thought ourselves wholly unworthy of her if we had not, with all the solemnity and earnestness in our power, PROTESTED against the adoption of the resolution now before the Senate.

The question being on the adoption of the resolution, as amended,

MR. BENTON demanded the yeas and nays; which were ordered.

He then moved that the blanks in the resolution be filled by inserting the 16th day of January. It was agreed to; and, having been done,

The question was taken, by yeas and nays, on the adoption of the resolution in the following form:

Resolution to expunge from the journal the resolution of the Senate of March 28, 1834, in relation to President Jackson and the removal of the deposits.

Whereas, on the 26th day of December, in the

year 1833, the following resolve was moved by the Senate:

"Resolved, That by dismissing the late Secretary of the Treasury, because he would not, contrary to his own sense of duty, remove the money of the United States in deposit with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States not granted him by the constitution and laws, and dangerous to the liberties of the people;"

Which proposed resolve was altered and changed by the mover thereof, on the 28th day of March, in the year 1834, so as to read as follows:

"Resolved, That, in taking upon himself the responsibility of removing the deposit of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people;"

Which resolve, so changed and modified by the mover thereof, on the same day and year last mentioned, was further altered, so as to read in these words:

"Resolved, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both;"

In which last-mentioned form the said resolve, on the same day and year last mentioned, was adopted by the Senate, and became the act and judgment of that body, and, as such, now remains upon the journal thereof:

And whereas the said resolve was not warranted by the constitution, and was irregularly and illegally adopted by the Senate, in violation of the rights of defence which belonged to every citizen, and in subversion of the fundamental principles of law and justice; because President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him, as a violator of his oath of office, and of the laws and constitution, which he was sworn to preserve, protect, and defend, without going through the forms of an impeachment, and without allowing to him the benefits of a trial, or the means of defence:

And whereas the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and therefore unjust and unrighteous, as well as irregular and unauthorized by the constitution; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve; nor in taking upon himself the responsibility of removing the deposits, as specified in the second form of the same resolve; nor in any act which was then or can now be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people:

And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings

in relation to the public revenue; without specifying what part of the executive proceedings, or what part of the public revenue, was intended to be referred to; or what parts of the laws and constitution were supposed to have been infringed; or in what part of the Union, or at what period of his administration, these late proceedings were supposed to have taken place; thereby putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interrupted by individual Senators, according to the private and particular understanding of each: contrary to all the ends of justice, and to all the forms of legal or judicial proceedings; to the great prejudice of the accused, who could not know against what to defend himself; and to the loss of senatorial responsibility, by shielding Senators from public accountability for making up a judgment upon grounds which the public cannot know, and which, if known, might prove insufficient in law, or unfounded in fact:

And whereas the specification contained in the first and second forms of the resolve having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover, in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon; the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained:

And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and the constitution, the adoption of the said resolve, before any impeachment preferred by the House, was a breach of the privileges of the House; not warranted by the constitution; a subversion of justice; a prejudication of a question which might legally come before the Senate; and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence:

And whereas the temperate, respectful, and argumentative defence and protest of the President against the aforesaid proceeding of the Senate was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its journal or printed among its documents, while all memorials, petitions, resolves, and remonstrances, against the President, however violent or unfounded and calculated to inflame the people against him, were duly and honorably received, economically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity:

And whereas the said resolve was introduced,

debated, and adopted at a time and under circumstances which had the effect of co-operating with the Bank of the United States in the parricidal attempt which that institution was then making to produce a panic and pressure in the country; to destroy the confidence of the people in President Jackson, to paralyze his administration; to govern the elections; to bankrupt the State banks; ruin their currency; fill the whole Union with terror and distress; and thereby to extort from the sufferings and the alarms of the people the restoration of the deposits and the renewal of its charter:

And whereas the said resolve is of evil example and dangerous precedent, and should never have been received, debated, or adopted by the Senate, or admitted to entry upon its journal: Wherefore,

Resolved, That the said resolve be expunged from the journal; and, for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session 1833-'34 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837."

On agreeing to this resolution, the vote was as follows:

YEAS.—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, Wright—24.

NAYS.—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—19.

So the resolution was agreed to.

Mr. BENTON, observing that nothing now remained but for the Secretary to carry into effect the order of the Senate, moved that that be forthwith done.

The Secretary thereupon produced the record of the Senate, and, opening it at the page which contained the resolution to be expunged, did, in the presence of such of the members of the Senate as remained, (many having retired,) proceed to draw black lines entirely round the resolution, and to indorse across the lines the words "Expunged by order of the Senate, this 16th day of January, 1837."

No sooner had this been done, than hisses, loud and repeated, were heard from various parts of the gallery.

The CHAIR, (Mr. KING, of Alabama.) Clear the galleries.

Mr. BENTON. I hope the galleries will not be cleared, as many innocent persons will be excluded, who have been guilty of no violation of order. Let the ruffians who have made the disturbance alone be apprehended. I hope the Sergeant-at-arms will be directed to enter the gallery, and seize the ruffians, ascertaining who they are in the best way he can. Let him apprehend them, and bring them to the bar of the Senate. Let him seize the bank ruffians. I hope that they will not now be suffered to insult the Senate, as they did when it was

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Expunging Resolution.

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under the power of the Bank of the United States, when ruffians, with arms upon them, insulted us with impunity. Let them be taken and brought to the bar of the Senate. Here is one just above me, that may easily be identified—the bank ruffians!

The order to clear the galleries was revoked, and the Sergeant-at-arms directed to proceed into the galleries and apprehend the persons who had created the disorder. In a very few minutes the Sergeant-at-arms returned, and reported to the Chair that he had apprehended an individual, and had him in custody.

Mr. BENTON moved that he be brought to the bar of the Senate.

Mr. MORRIS opposed the motion, and demanded the yeas and nays; which, being ordered and taken, stood—yeas 17, nays 8. So the motion was carried.

It was suggested by Mr. MOORE that there was not a quorum present, and the Chair at first so decided. But, on being reminded that one of the Senators from Louisiana had resigned, 25 was a majority of the 49 remaining, he declared that a quorum was present.

Mr. MOORE now moved an adjournment; but the motion was lost.

The Sergeant-at-arms now produced and presented an individual at the bar of the Senate.

[He was a tall, well-dressed man, wrapped in a black overcoat.]

Mr. BENTON said that, as the individual had been taken from among the respectable audience in the gallery, and had been presented in this public manner with all eyes fixed upon him, he had perhaps been sufficiently punished in his feelings. Mr. B. was not disposed to push the proceedings any further, and therefore moved that he be discharged from custody.

Mr. MORRIS considered the whole proceeding as very extraordinary. If the individual had been worthy of arrest, he ought to have an opportunity of defence. A citizen had been brought to the bar of the Senate, and not informed for what reason, nor of what offence he stood charged; and now it was moved that, without a hearing, he be discharged from custody. Call you this (said Mr. M.) the justice of the Senate of the United States? Is it in this manner that citizens are to be treated? It appears to me a most extraordinary proceeding.

Mr. SEVIER moved an adjournment; but the motion did not prevail.

Mr. ROBINSON, near whose seat the person apprehended then stood, proposed that the individual have an opportunity to purge himself by oath from the contempt. The Senate were not to presume him guilty; and if he was willing to swear that he intended no contempt, he ought to have an opportunity to do so.

Mr. MORRIS demanded the yeas and nays on the motion for his discharge; and they were ordered accordingly.

Mr. BENTON observed that if the individual

was ready to go to the Clerk's table, and there, by oath, to purge himself of the contempt, he had no objection. Let him do so.

Mr. ROBINSON now stated, on behalf of the person apprehended, that he was willing and ready to answer interrogatories.

Mr. BENTON thereupon withdrew his motion for his discharge.

The CHAIR reminded him that he could not do this, inasmuch as the yeas and nays upon it had been ordered.

Mr. MORRIS was strongly opposed to having the individual suddenly, without warning, and without opportunity to consult counsel, brought forward to take his oath, and undergo interrogatories. It would be better to give him until to-morrow, that he might have some leisure for reflection. He had been brought up here before the Senate of the United States, and before the people of the United States, and to require him thus suddenly to be put upon oath in his defence was wrong.

He concluded by moving an adjournment.

The yeas and nays were demanded and ordered on the motion to adjourn.

Mr. STRANGE thought that if the individual was willing now to be sworn, and to undergo interrogatories, he was certainly the best judge of his own rights. He best knew what he could undergo, and there was no need that Senators should become his advocates.

Mr. BENTON said that if the man wished to purge himself on oath, now, here, in the presence of the Senate, it was very well. Let him do so. But if he wanted to go away and consult a lawyer, if he must ask a lawyer to-morrow before he could tell whether he meant to insult the Senate to-night, he was opposed to it. If he was ready to swear, let him do it, but no consulting with lawyers.

The CHAIR stated to Mr. MORRIS that the individual in custody was not brought up without a charge, as that Senator seemed to intimate. He was charged with disorderly conduct in the presence of the Senate, and the law gave the Senate, as it gave a court of justice, power to protect itself in all such cases, by a summary proceeding, and on the evidence of its own senses.

Mr. ROBINSON again said that the individual in custody wished for an opportunity of purging himself from the contempt.

Some confusion prevailed. But the motion for his discharge being pressed, the question was put, and decided as follows:

YEAS.—Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Tallmadge, Tipton, Walker, White, Wright—23.

NAY.—Mr. Wall—1.

The individual was accordingly discharged from custody.

The individual referred to thereupon addressed, and, addressing the Chair, said:

“Mr. President, am I not to be permitted to speak in my own defence?”

The CHAIR, to the Sergeant-at-arms: "Take him out!"

The Senate then adjourned.

TUESDAY, January 17.

Abolition of Slavery in the District of Columbia.

MR. KENT, having presented a memorial from the grand jury of Washington county, protesting against the interference of citizens from distant States in respect to the abolition of slavery in the District of Columbia, moved that it be laid on the table and printed.

MR. MORRIS said that he had hundreds of petitions to present for the abolition of salvery; and, therefore, he would ask for the yeas and nays on the question of printing the memorial which had just been presented. Not ordered.

MR. HUBBARD suggested to the Senator from Maryland, (MR. KENT,) whether it would not be as well to print an extra number of copies of this important document, for the purpose of distribution, as it might be productive of good.

MR. CALHOUN said that he would make that motion. It was a most important paper, and there was one part of it at which he most heartily rejoiced. It took the true position—that abolition petitions should not be received. There was a dangerous and mischievous spirit at work in various parts of the country, connected with this question. It was only at the last session that he had contended for what the memorialists suggest to Congress. He had urged that very point, and he found himself in a very considerable minority. He hoped that such would not be the case now he was supporting this motion. He would second the motion of the Senator from Ohio, trusting that he would renew it, and be indulged with the yeas and nays.

MR. HUBBARD remarked that he had suggested to the Senator the printing of an extra number, not on account of his own feelings particularly, but because he believed the proceedings of individuals in different parts of the country on this subject were predicated upon the supposed fact that the people living in the District of Columbia were in favor of the abolition of slavery from among them.

MR. NILES said that the question was not whether petitioners in general stood upon a somewhat different ground from the present residents in the District of Columbia, but whether the subject-matter was proper for Congress to entertain, even so far as to print a petition which might operate on public sentiment. For his own part, he wished that Congress would act decidedly on this agitating topic. He had no doubt that these petitioners had a deep interest in what they requested. But, nevertheless, the question was the same as respected both classes of petitioners, and was one which Congress could not go into at all. When the subject was not at present dis-

cussed by the public, and when it was desirable that tranquillity should be preserved, why, he asked, should the Senate of the United States agitate the question now? He recollected perfectly well, that at the last session the gentleman from South Carolina went so far as to protest against the reception of a single petition, though, to be sure, coming from those not having the same interest as the gentleman whose memorial was now before the Senate, but still such an interest as gave them a right to come here. The rule in regard to the right of petition must apply equally and fairly, and give no preference to one portion of the community over another. He was, then, he must say, altogether opposed to printing the memorial, and should vote against the adoption of that course. The printing of an extra number of copies would produce no good effect, but, on the contrary, would cause the subject to be again agitated in various parts of the Union. His honorable friend (MR. HUBBARD) seemed to think that by the distribution of the memorial a good effect might be produced on the public mind. He could not agree with him on that point, and must repeat that the subject was one which Congress ought not to entertain, inasmuch as it was not proper that they should act on one side of the question and not on the other.

MR. BROWN said he intended to vote against the extra number. If he were to vote to print an extraordinary number of the memorial sent here by the grand jury, it would imply that there was some danger of Congress being about to legislate on the subject. - He repeated that should an extra number be ordered, the idea would be spread abroad, and reasons given to suspect, that Congress intended to act in the matter. Now, as he did not believe that there was the slightest ground for any such apprehension, as no such action was entertained by either branch of the National Legislature, he was utterly averse to do any act which had a tendency to create that idea. But, besides that, it did appear to him somewhat novel to ask for the printing of an extraordinary number of a document coming from private individuals.

Undoubtedly, the proper course of gentlemen was, not to do any act here which would promote agitation. Now, he contended that the printing of the document in question, and the dissemination of it throughout the country, did, in some degree, tend to increase the agitation in reference to this question.

Why, then, he would ask, should the Senate of the United States lend its sanction to a course which would induce the country to believe that it purposed acting on the subject of slavery? There being no ground to apprehend any such movement on the part of Congress, he would do nothing to lend his sanction to the supposition that Congress intended to interfere with the matter.

MR. LINN said he would be pleased to know whether any practical benefits were likely to

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grow out of circulating, by order of the Senate, copies of the document now proposed to be printed. What, he asked, was the proper remedy for the evil of which the people of the District of Columbia complained, and concerning which they had directed the attention of Congress? Was their property in danger? Were the laws insufficient to protect their slaves? If so, let us then march directly up to the subject, and enact such as will afford ample security. For measures of a practical nature, he would give his vote with great pleasure. He said he was well aware that questions of this kind came up here, and incidentally impressed persons at a distance with the idea that Congress wished to deprive them of the right to be heard here, and of the right to petition. Nothing, in his opinion, was more erroneous. Refuse to receive and hear an abolition petition, and you render the abolitionists a thousand times more active and industrious in propagating their doctrines, and more successful in enlisting the sympathies in their favor of those who believe in the inherent right of the people to assemble and petition for a redress of grievances. He never had voted, nor never would vote, for the printing and disseminating an abolition memorial; so likewise he would not lend his aid for the printing of this document in favor of slavery.

On the great question of slavery, the constitution and laws would find ample support in the good sense of the great body of the American people. He gave it as his opinion, that to insure tranquillity, was to let this exciting topic alone.

Mr. MORRIS renewed his motion for the yeas and nays; which were ordered.

And the question was then taken on printing the usual number of copies—yeas 34, nays 5.

WEDNESDAY, January 18.

Mr. CUTHBERT, of Georgia, appeared and took his seat.

THURSDAY, January 19.

Hon. THOMAS CLAYTON, Senator elect from the State of Delaware, appeared, was qualified, and took his seat.

The following Message was received from the President of the United States:

To the Senate of the United States:

In compliance with the resolution of the Senate dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last, by the President of the Mexican Republic, and a copy of my reply to the same on the 4th of September. No other communication on the subject of the resolution referred to has been made to the Executive by any other foreign Government, or by any person claiming to act in behalf of Mexico.

ANDREW JACKSON.

WASHINGTON, January 18, 1837.

[TRANSLATION.]

The President of the Mexican Republic to the President of the United States.

COLUMBIA, (IN TEXAS,) July 4, 1836.

MUCH ESTEEMED SIR: In fulfilment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of six thousand Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander-in-chief of the Texian army, and by his successor, General Thomas J. Rusk, for the termination of the war, the decision of the President and cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies enclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brazos, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, so far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfil the other engagements; and, with that intent, I embarked on board the schooner *Invincible*, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force, and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early in last month; and, in consequence of it, the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola, and has ordered his successor, General Urrea, to continue its operations. In obedience to which order, that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation, and of my going to Mexico, according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war, and of its disasters, is therefore inevitable, unless the voice of reason be heard, in proper time, from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country, which I did not possess four months ago. I have too much zeal for the interests of my country to wish for any thing which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death, rather than consent to any compromise, if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation: that conviction alone determined me sincerely to agree to what

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has been stipulated; and, in the same spirit, I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part; afford me the satisfaction of avoiding approaching evils, and of contributing to that good which my heart advises. Let us enter into negotiations by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world; and who, under the protection of the two nations, will attain its object within a few years.

The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted, you will see the sentiments which animate me; and with which I remain your most humble and obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.

To his Excellency General ANDREW JACKSON,
President of the United States of America.

The President of the United States to the President of the Mexican Republic.

HERMITAGE, September 4, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texian frontier. The great object of these communications appears to be, to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated, is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico, in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations. But it proceeds on the principle that all nations have the right to alter, amend, or change, their own Government, as the sovereign power, the people, may direct. In this respect, it never interferes with the policy of other powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations, or remove the causes of misunderstanding, is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden, by the character of the communications made to us through the Mexican minister, from considering it. That Government has notified us that, as long as you are a prisoner, no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances, it will be manifest to you that good faith to Mexico, as well as the general

principle to which I have adverted, as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war, and in substituting in their stead the blessings of peace, is a divine privilege. Every Government, and the people of all countries, should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other, and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, commander-in-chief of the Texian army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the meantime, I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken, and can add to the number of those scenes of bloodshed which have already marked the progress of their contest, and have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

To Gen. ANTONIO LOPEZ DE SANTA ANNA.

The Message and documents having been read,

Mr. PRESTON said it would strike the Senate at once that since the date of the letter written by Santa Anna, his situation had been very much changed. On the 4th of July last he was a prisoner in the hands of the Texans, but had been subsequently released, and was now in the city of Washington. According to the terms and purport of the correspondence, it would appear that it was carried on whilst Santa Anna was a prisoner. The President of the United States, aware of that fact, had expressed himself as being unable, in consequence, to enter into any negotiation with him while so situated. But now, as he (Mr. P.) had just stated, Santa Anna was in this city, and could negotiate on the subject up to April next; but whether he would or would not, he (Mr. P.) could not say; nor was it very material to the purpose Mr. P. had in hand. There was a resolution in relation to Texas offered a few days ago by the honorable Senator from Mississippi, and which had been made the order of the day for to-day; what disposition he wished to make of it, he was not aware. It was a matter for the gentleman's discretion. The correspondence which had been laid before the Senate, however, would not, in his (Mr. P.'s) opinion, render it necessary to change the language of the resolution. Concurring, as he did, with that resolution, he would now say that he was prepared to establish the fact, that upon the

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recognized principles of national law, the practice of this Government, and the policy of the country, she ought, as was her duty, to make a prompt, speedy, and absolute recognition of the independence of Texas. He hoped, at the proper time, to be able to prove this. He insisted that her independence should be immediately acknowledged, and that, too, without any regard to what might be said or done by Santa Anna, for his authority had ceased in Texas forever. After having heard read the present and the other Message of the President in relation to this subject, it was not his desire that any thing should be done here in reference to it, that would have the effect of contravening, running counter to, or obstructing, any purpose of the Executive of the United States.

He (Mr. P.) had understood that the President, when he sent his former Message, had submitted this matter to Congress for their consideration, being willing to carry into effect what they might deem right and proper; but there were, at that time, some difficulties in the way, which prevented his recommending the adoption of any legislation on the subject. It seemed to him (said Mr. P.) that had the President of the United States not been aware of the fact that another expedition under General Bravo was about to invade Texas, he would not have hesitated to recommend to Congress to do something in reference to settling the war between Texas and Mexico.

Mr. P. adverted to the circumstances connected with the failure of the expedition under General Bravo, and then concluded with saying that all he desired was that Congress should proceed as early as possible to discuss the question of immediately acknowledging the independence of Texas. She was entitled to it; she had a right to demand it of the United States, and the sooner it was granted the better. He would await the action of the honorable Senator from Massachusetts, (Mr. DAVIS,) as well as the consideration of the resolution of the Senator from Mississippi, when he would have something further to say on the subject.

The Message and documents were laid on the table, and ordered to be printed.

SATURDAY, January 21.

Foreign Emigrants.

Mr. CLAY presented the petition of sundry inhabitants of Wirtsborough, Sullivan county, New York, and he asked that it might be read.

The document was accordingly read, and proved to be a kind of remonstrance, on the subject of Roman Catholic emigrants to the country, brought in under the auspices of Popes, Cardinals, Bishops, &c. It insisted on the impropriety and inexpediency of allowing so many persons to enter the country, whose practice and tenets were avowedly and directly hostile to our republican institutions, and especially prayed Congress to institute commissions, in

various parts of the country, to procure information and report on the subject.

Mr. C. said some of the objects prayed for this Government had no power to grant, however alarming to these good and religious people the evils complained of and the progress of papacy might be. But there was one object which Mr. C. thought might be a proper subject of inquiry, being within the power of Congress; and that was a change in our laws of naturalization. He therefore moved that the memorial be referred to the Judiciary Committee; and it was so referred.

TUESDAY, January 24.

Public Lands.

The Senate took up the bill to prohibit the sales of the public lands, except to actual settlers, and in limited quantities.

The question pending was on Mr. TIPTON's amendment, offered yesterday, to the first section of the bill, "that all lands that have been in the market ten years, and remain unsold, shall be sold for seventy-five cents an acre; and all that have five years, shall be disposed of at one dollar; provided that not more than one hundred and sixty acres be sold to one purchaser."

MESSRS. EWING and CLAY spoke against the bill, MESSRS. DANA and TIPTON for it.

The amendment proposed by Mr. TIPTON was rejected by the following vote:

YEAS.—MESSRS. Benton, Black, Dana, Ewing of Illinois, Fulton, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Strange, Tipton, Walker, White—18.

NAYS.—MESSRS. Bayard, Brown, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Prentiss, Robbins, Ruggles, Swift, Tallmadge—19.

Mr. BENTON then offered the following amendment:

That it shall and may be lawful for any head of a family, young man over the age of eighteen years, or widow, not having received a donation of land from the United States, and being or wishing to become an actual settler on any parcel of public land which shall have remained five years unsold after having been offered at private sale at one dollar and twenty-five cents per acre, and not exceeding in quantity the amount of one quarter section, to demand and receive, from the proper register and receiver, a written permission to settle on the same, upon payment, to be made to the proper receiver, of the sum of seventy-five cents per acre; and if such person, so applying for and receiving such permission, shall forthwith settle on the said land, and he or she, or his or her heirs or legal representatives, shall cultivate the same for five successive years, and shall be a citizen or citizens of the United States at the end of that time, then, on proper proof being made, before the register and receiver, of such settlement, cultivation, and citizenship, a patent shall issue for the said land to the person who received such permission, or his or her heirs or legal

representatives. And the faith of the United States is hereby pledged to all persons who may settle on the public lands, according to the provisions of this section, that no dispensation shall at any time be granted to any individual from complying with the substantial conditions herein prescribed. And if due proof of settlement, cultivation, and citizenship, as herein required, be not made within one year next after the expiration of said five years, the said land shall again be subject to entry at private sale, as land belonging to the United States. And if two or more persons, entitled under this act to the privileges of actual settlers, shall apply for the same parcel of land, then the register and receiver shall immediately decide the right of preference between them, according to priority of settlement and other equitable circumstances; and where these are equal, the decision shall be taken by lot.

The question was taken on its adoption by yeas and nays, as follows:

YEAS.—Messrs. Benton, Black, Dana, Ewing of Illinois, Fulton, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Rives, Robinson, Sevier, Strange, Tipton, Walker, White—18.

NAYS.—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hubbard, Kent, King of Georgia, Knight, Niles, Page, Prentiss, Robbins, Ruggles, Swift, Tallmadge, Wright—20.

So the amendment was lost.

THURSDAY, January 26.

Michigan Senators Admitted.

A Message was then received from the President of the United States, stating that the President had signed the bill for the admission of the State of Michigan into the Union on an equal footing with the original States.

The credentials of the Hon. JOHN NORVELL and the Hon. LUCIUS LYON, elected by the Legislature of the State of Michigan, on the 10th November, 1835, to represent that State in the Senate of the United States, were read by the Secretary; and,

On motion of Mr. GRUNDY, the usual oath to support the Constitution of the United States was administered to Messrs. NORVELL and LYON by the Vice President, and they took their seats in the Senate.

Treasury Circular.

Mr. WALKER moved to postpone the previous orders, and take up the bill designating and limiting the funds receivable for dues by the United States.

The question on taking up the bill was decided by—yeas 33, nays 12.

Mr. RIVES thereupon offered an amendment, to extend the prohibition respecting the notes of banks issuing notes of small denominations, so as to embrace, after the 30th of December, 1841, notes of \$20. [The bill only extended to those of five and of ten dollars.]

He supported the amendment in a short speech, urging the moral effect of the measure

and its necessity, as the only means of effecting the enlargement of the specie basis of our circulation.

Mr. EWING referred to a provision in the bill which requires the deposit banks to receive and pass to the credit of Government all such bank notes as they receive in general deposit. This took away their power to oppress, and reconciled him to the bill, which should now have his vote. The effect of Mr. RIVES' amendment would be to confine the circulation of the large notes in the West to the banks in the immediate vicinity of the deposit banks, while all the small notes circulating there would be those of banks at a distance, to whom it was of less consequence that their notes should be received at the land offices than that their small notes should have a wide circulation.

After some remarks of Mr. NILES, and a brief speech from Mr. WALKER, the question on Mr. RIVES' amendment was decided by:

YEAS.—Messrs. Benton, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Georgia, Linn, Lyon, Niles, Norvell, Page, Preston, Rives, Robinson, Sevier, Strange, Tallmadge, Tipton, Walker, White, Wright—25.

NAYS.—Messrs. Bayard, Black, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, King of Alabama, Knight, Moore, Morris, Nicholas, Prentiss, Robbins, Southard, Swift, Tomlinson—18.

The bill was ordered to its engrossment.

FRIDAY, January 27.

Michigan Senators.

Mr. GRUNDY submitted the following resolution, which was considered and adopted:

Resolved, That the Senate proceed to ascertain the classes in which the Senators from the State of Michigan shall be inserted, in conformity with the resolution of the 14th May, 1789.

Mr. GRUNDY observed, that before submitting the motion to carry the resolution into effect, a word of explanation would perhaps be necessary. There were, according to the constitution, three classes of Senators; and there was an equal number of each, until the coming in of the Senators from Arkansas; but one of them drawing number one, and the other number three, of course there were more of these numbers than of number two. This he had in view in drawing up the motion; and, by providing that numbers two and three only shall be drawn, the inequality would be lessened.

On motion of Mr. GRUNDY, it was

Ordered, That the Secretary put into the ballot box two papers of equal size, one of which shall be numbered two, and the other shall be a blank, and each Senator shall draw out one paper; that the Senator who shall draw the paper number two shall be inserted in the class of Senators whose terms of service will expire on the 3d day of March, 1839;

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American Colonization Society.

[SENATE.]

that the Secretary then put into the ballot box two papers of equal size, one of which shall be numbered one, and the other shall be numbered three, and the other Senator shall draw out one paper; that if the paper drawn be number one, the Senator shall be inserted in the class of Senators whose terms of service will expire the 3d day of March, 1837, and if the paper drawn be number three, the Senator shall be inserted in the class of Senators whose terms of service will expire the 3d day of March, 1841.

In pursuance of the above order, Messrs. NORVELL and LYON proceeded to draw ballots for their respective classes; when Mr. LYON, drawing number two, was classed with the Senators whose terms of service expires on the 3d of March, 1839; and Mr. NORVELL, drawing number three, was classed with the Senators whose terms of service expire on the 3d of March, 1841.

American Colonization Society.

Mr. CLAY presented the memorial of a number of citizens of the District of Columbia, stating that they had, a number of years past, formed an association for colonizing free negroes, with their own consent, on the coast of Africa; that many donations had been made to them in money and in lands, which last species of property they could not render available, in consequence of their not having a charter; and praying for an act of incorporation to enable them to hold and convey real estate. Mr. C. moved to refer this memorial to the Committee on the District of Columbia.

Mr. CALHOUN regretted that the Senator from Kentucky had thought fit to present this memorial, and deprecated any discussion or agitation of the subject, which he thought would rather tend to increase than to allay the excitement which had been produced by an injudicious interference with a question of much delicacy. He did not intend to oppose the reference of the memorial, but he indulged the hope that the committee would see the propriety of not acting on it during this session.

Mr. CLAY regretted extremely that there should have been any expression, even in a modified form, in opposition to the object which the memorialists desire to attain. The day would come, he would venture to predict, when the people living in all portions of this vast continent would become converts to the American colonization scheme, and become convinced of its utility, and the humane principles by which it is characterized, in striving to ameliorate the present condition of the African race.

The object, then, of the memorialists was to send free negroes, with their own voluntary consent, to Liberia. They do not desire to touch any interest or any property—to affect any right of any citizen here, or in the States. The memorialists come here and tell the Senate that many donations have been made to them, from time to time, both in land and money, and it was of the highest importance that such an act as they applied for should be

granted. He might remind the Senate of a donation that was given the Colonization Society by one of the best and greatest men this country had ever produced—he meant the late venerable ex-President Madison. He bequeathed the donation (on account of there not being in existence such an act as these memorialists pray for) to Mr. Gurley, for the benefit of the society. Although, in the present case, the trust was faithfully executed, in other cases it might not be; hence, therefore, the memorialists ask for an act of incorporation, in order that they can receive what may be given them. Now, the object was dear, was interesting, was just, was natural; and he could not but express his hope that an act of incorporation would be granted them.

Mr. CALHOUN said that from the first to the last he had been under the impression that any interference with the objects of this society by the General Government would not only be unconstitutional, but would have the most mischievous effects. He would remind the Senator from Kentucky, who had mentioned the late Mr. Madison as one of the friends of the Colonization Society, that that great statesman was so strict in his notions as to the granting of charters by the General Government, that he had vetoed the act of Congress incorporating a church in Alexandria. The Senator from Kentucky must know that great diversity of opinion existed among the wisest and best men of the country as to the ultimate good to be effected by this society; and that the prevailing opinion of the great body of the people of the South was against it. Nine-tenths of the Southern people at least, said Mr. C., were opposed to any interference with the objects of this society by the General Government.

Mr. BUCHANAN rose to make a suggestion to the Senator from Kentucky; and that was, that, if an act of incorporation be granted at all, it must not be confined in its operation to the District of Columbia; it must go to the extent of the whole Union. It appeared to him (Mr. B.) that this was not a proper subject to be referred to the Committee on the District of Columbia, which was a committee having a great deal of business to attend to, though not of a character of such general importance as was connected with this memorial. He should, therefore, think it would be better to have a special committee on this question. The gentleman from Kentucky understood the matter perfectly well, and should be placed at the head of it, and could bring forward such a proposition as would meet general approbation. He (Mr. B.) therefore moved that the memorial be referred to a select committee.

Mr. CLAY observed that he understood the subject, and had determined to make his proposition as free from objection as possible; and, therefore, he limited the powers of the act of incorporation, to this District only. He was perfectly aware that in an attempt to give it a general character, so that the society might es-

tablish branches here and there, a constitutional question would arise. He hoped the Senator from Pennsylvania would withdraw his motion for a select committee. He (Mr. C.) did himself doubt whether Congress had the power to pass an act of incorporation which should have powers beyond the District of Columbia. But as to the memorial, he would say that, as it came from the District of Columbia, the proper reference was to the committee having charge of its affairs, to which it might be sent; and he hoped that it would report a bill as speedily as possible. He hoped gentlemen would not postpone the consideration of the subject.

MR. CALHOUN conceived that the Senator from Pennsylvania had taken the proper view of this question. He thought, too, that it should be referred to a select committee. The Senator from Kentucky and himself view the subject in a very different point of view. A mysterious Providence had brought the black and the white people together from different parts of the globe, and no human power could now separate them. The whites are a European race, being masters; and the Africans are the inferior race, and slaves. He believed that they could exist among us peaceably enough, if undisturbed, for all time; and it was his opinion that the Colonization Society, and all the other schemes which had been gotten up through mistaken notions of philanthropy, in order to bring about an alteration in the condition of the African, had a wrong foundation, and were calculated to disturb the existing relations between the two races, and the relations between the North and the South. He knew the Senator from Kentucky viewed the subject in a very different light, for he had stated on many occasions his opinions the held. He (Mr. C.) believed that the very existence of the South depended upon the existing relations being kept up, and that every scheme which might be introduced, having for its object an alteration in the condition of the negro, was pregnant with danger and ruin. It was a benevolent object, and highly desirable that the blessings of civilization and Christianity should be introduced into benighted Africa; but this was a Government of limited powers, and had no more to do with free negroes than with slaves; and if Africa was to be Christianized and civilized, he hoped it would not be done by this Government acting beyond its constitutional powers. It was a matter of little importance to him, whether the memorial should be referred to a select committee, or to the Committee on the District of Columbia.

MR. PRESTON expressed his hope that the memorial might be sent to the Committee on the District.

MR. STRANGE said that he should be compelled to vote against the reference of the memorial to any committee whatsoever. He coincided in opinion with both the Senators from South Carolina, that, were an act of incorporation passed, its effects would be coextensive

with the Union itself. And he should deprecate more the location of a society at this point than at any other, because of its commanding position, and on account of its indicating the right of Congress to interfere with so delicate and important a subject. It was impossible to be so obtuse as not to see that this society, with its Briareus arms, would exercise a great influence over the interests of the Southern country. What would be its effects, but to hold out to the slave population a desire to become free? He meant, according to the laws of the country in which they live. They did not generally desire freedom, in their degraded condition, and most of the slaves preferred living in that condition. But when an inducement was held out to them, it was done to make them discontented with the situation in which God had placed them. He had been opposed to the Bank of the United States, because he believed Congress had no power to grant a charter out of the District of Columbia; and for the same reason, nearly, he was now also opposed to granting an act of incorporation to the Colonization Society in this District, because, in its very nature, its operations could not be confined to it solely.

MR. RIVES had made up his mind to vote for the reference of this memorial to the Committee on the District of Columbia; he did not wish to be considered as expressing any opinion that the objects of this society could be accomplished by the aid of Congress. While he did not believe that it was competent for Congress to incorporate any society whose objects extended beyond the limits of the District, and were coextensive with the Union, he was yet disposed to vote for the reference, on the assumption that the acts of this society were to be confined to the District of Columbia.

MR. KING, of Alabama, felt very unwilling that the memorial should be referred to the Committee on the District of Columbia, for it was general in its character, as many gentlemen seemed to think; and that was to his mind the very reason why it should not be sent to this committee, whose duty was to attend to business connected only with the ten miles square, and to guard the rights of the people living within that space. It was quite palpable that no corporate body of this character could be established here, without affecting the whole Union. Why did not the society, instead of coming to Congress for an act of incorporation, apply to some of the States of the Union. Their object was clear; and he could not but regard this as an entering wedge to more extended operations, and it should be frustrated at once. He had never thrown any obstacle in the way of what he considered praiseworthy and meritorious on the part of the Colonization Society; but it was not the duty of Congress to lend them any assistance. Mr. K. concluded by moving that the memorial be laid on the table.

The memorial was laid on the table—ayes 24, noes 12.

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Treasury Circular—Paper Money.

[SENATE.]

Treasury Circular—Paper Money.

The following bill was read a third time :

A bill designating and limiting the funds receivable for the revenues of the United States.

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided : that is, that no such duties, taxes, debts, or sums of money payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, under the following restrictions and conditions in regard to such notes, to wit : from and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues ; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars, shall be so receivable ; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

SEC. 2. *And be it further enacted,* That no notes shall be received by the collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash : *Provided,* That if any deposit bank shall refuse to receive and pass to the credit of the United States, as cash, any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank.

The question being on the passage of the bill,

Mr. BENTON rose and commenced his speech against its passage with stating the reason why he had not spoken the evening before, when the question was on the engrossment of the bill. He said that he could not have foreseen that the subject depending before the Senate, the bill for limiting the sales of the public lands to actual settlers, would be laid down for the purpose of taking up this subject out of its order ; and, therefore, had not brought with him some memorandums which he intended to use when this subject came up. He did not choose to ask for delay, because his habit was to speak to subjects when they were called ; and in this particular case he did not think it material when he spoke ; for he was very well aware that his speaking would not affect the fate of the bill. It would pass, and that was known to all in the chamber. It was known to the Senator from Ohio (Mr. EWING) who indulged himself in saying he thought otherwise a few days ago ; but that was only a good-na-

tured way of stimulating his friends, and bringing them up to the scratch. The bill would pass, and that by a good vote, for it would have the vote of the opposition, and a division of the administration vote. Why, then, did he speak ? Because it was due to his position, and the part he had acted on the currency questions, to express his sentiments more fully on this bill, so vital to the general currency, than could be done by a mere negative vote. He should, therefore, speak against it, and should direct his attention to the bill reported by the Public Land Committee, which had so totally changed the character of the proceeding on this subject. The rescision of the Treasury order was introduced a resolution—it went out a resolution—but it came back a bill, and a bill to regulate, not the land office receipts only, but all the receipts of the Federal Government ; and in this new form is to become statute law, and a law to operate on all the revenues, and to repeal all other laws upon the subject to which it related. In this new form it assumes an importance, and acquires an effect, infinitely beyond a resolution, and becomes, in fact as well as in name, a totally new measure. Mr. B. reminded the Senate that he had, in his first speech on this subject, given it as his opinion, that two main objects were proposed to be accomplished by the rescinding resolution : first, the implied condemnation of President Jackson for violating the laws and constitution, and destroying the prosperity of the country ; and, secondly, the imposition of the paper currency of the States upon the Federal Government. With respect to the first of these objects, he presumed it was fully proved by the speeches of all the opposition Senators who had spoken on this subject ; and, with respect to the second, he believed it would find its proof in the change which the original resolution had undergone, and the form it was now assuming of statute law, and especially with the proviso which was added at the end of the second section.

Having remarked upon the phraseology of the bill, and shown that a paper currency, composed of the notes of a thousand local banks, not only might become the currency of the Federal Government, but was evidently intended to be made its currency ; and that, in the face of all the protestations of the friends of the administration in favor of re-establishing the national gold currency, Mr. B. would now take up the bill of the committee under two or three other aspects, and show it to be as mistaken in its design as it would be impotent in its effect. In the first place, it transferred the business of suppressing the small-note circulation from the deposit branch to the collecting branch of the public revenue. At present, this business was in a course of progress through the deposit banks, as a condition of holding the public moneys, and, as such, had a place in the deposit act of the last session, and also had a place in the President's message of the last session,

where the suppression of paper currency under twenty dollars was expressly referred to the action of the deposit banks, and as a condition of their retaining the public deposits. It was through the deposit banks, and not through the reception of local bank paper, that the suppression of small notes should be effected. In the next place, he objected to the committee's bill, because it proposed to make a bargain with each of the thousand banks now in the United States, and the hundreds more which will soon be born, and to give them a right—a right by law—to have their notes received at the federal Treasury. He was against such a bargain. He had no idea of making a contract with these thousand banks for the reception of their notes. He had no idea of contracting with them, and giving them a right to plead the Constitution of the United States against us, if, at any time, after having agreed to receive their notes, upon condition that they would give up their small circulation, they should choose to say we had impaired the contract by not continuing to receive them; and so either relapse into the issue of this small trash, or have recourse to the judicial process to compel the United States to abide the contract, and continue the reception of all their notes. Mr. B. had no idea of letting down this Federal Government to such petty and inconvenient bargains with a thousand moneyed corporations. The Government of the United States ought to act as a Government, and not as a contractor. It should prescribe conditions, and not make bargains. It should give the law. He was against these bargains, even if they were good ones; but they were bad bargains, wretchedly bad, and ought to be rejected as such, even if all higher and nobler considerations were out of the question. What is the consideration that the United States is to receive? A mere individual agreement with each bank by itself, that in three years it will cease to issue notes under ten dollars, and in five years it will cease to issue notes under twenty dollars. What is the price which she pays for this consideration? In the first place, it receives the notes of such banks as gold and silver at all the land offices, custom-houses, and post offices, of the United States, and, of course, pays them out again as gold and silver to all her debtors. In the next place, it compels the deposit banks to credit them as cash. In the third place, it accredits the whole circulation of the banks, and makes it current all over the United States, in consequence of universal receivability for all federal dues. In other words, it indorses, so far as credit is concerned, the whole circulation of every bank that comes into the bargain thus proposed. This is certainly a most wretched bargain on the part of the United States—a bargain in which what she receives is ruinous to her; for the more local paper she receives in payment of her revenues, the worse for her, and the sooner will her Treasury be filled with unavailable funds.

Mr. B. had been at work for five years to procure the suppression of paper money under twenty dollars. His exertions, on that point, had brought him into communication with the officers of many banks; and it was due to them to say, that all the banks of high character, with which he had communicated, were in favor of the suppression of small notes; and he was fully persuaded that many of them, and as a mere condition of retaining the public deposits, if the deposit banks were reduced to the proper number, would give up their circulation entirely, and introduce into our country the example of banks of discount, deposit, and exchange, alone, as they exist in Europe, and where they give all the real benefits of banks, without the dangers and mischiefs of issuing paper money. In his opinion, about thirty deposit banks were enough; they were more places of deposit than existed during the time of the Bank of the United States, which had but twenty-four branches; and if the deposits were confined to about thirty banks of good capital and high character, these banks would immediately, that is to say, within one or two years, and now while we have the specie to justify the operation, enter heartily into the measure of putting down the circulation of notes under twenty dollars. With the additional inducement of relinquishing the interest which they now pay on deposits, he felt certain they would quickly accomplish this great work for the country. Now is the time, as Mr. C. P. White says in his letter, now is the time to do it, when our specie is between seventy and eighty millions of dollars. Certainly this is the time, while forty-five millions of that specie is locked up in the vaults of banks—and while our paper circulation is so redundant as to have undergone a depreciation which is heavily felt in the price of every article of consumption by all persons who live upon wages and fixed income. This is the time to effect the suppression; and it was afflicting to see it lost; for to postpone it five years was to lose the golden opportunity. And at whose instance was this to be done? At the instance of the small banks—the two-and-sixpenny concerns—to which it was an object to put out small notes, for the sake of the gain to the bank upon the loss to the community, in the wear and tear of small notes. Mr. B. said it was the small banks which cling to the small notes, and some of them since they became deposit banks, and in violation of the deposit law. He would give an instance; it was from that same Clinton Bank of Columbus, from which he had before read. In the statement of its condition made to the Legislature of Ohio on the 9th day of January of the present year, the circulation of the bank is thus stated: One-dollar bills, \$6,226; two-dollar do. \$4,916; three-dollar do. \$6,669; five do. \$60,085; ten do. \$10,910; twenty do. \$12,140; fifty do. \$13,400; one hundred do. \$300. Now, here is a bank whose total circulation is \$115,000, and of which the whole, except about

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\$25,000, is under twenty dollars; and yet this bank, on this question, and in this chamber, is to outweigh the Manhattan, and the other great banks of the country!

Mr. B. said it was curious to observe that the small country banks in England had governed the legislation of the British Parliament in the suppression of the small notes, precisely in the manner now going on in this country, and with the same disastrous results there which may be expected to ensue here. He would, to show this, read an extract from the testimony of the governor of the Bank of England, Mr. Horsley Palmer, before Lord Althorp's committee, in 1832. He says:

"By the resolution of the House of Commons of 1819, the Bank of England was required, within four years, to pay off in gold the amount of their one-pound notes then in circulation, (about £7,500,000;) further, to provide the coin for paying off the country small notes in 1825, (about £7,800,000 more;) in addition to which, the necessity was imposed of providing the requisite surplus bullion for insuring the convertibility of all their liabilities; which addition of bullion to their stock could not be estimated at less than £5,000,000; making in the aggregate £20,000,000 of gold as necessary to be procured from foreign countries within the space of four years from 1819. The bank cancelled their own small notes in 1821, (two years before the time limited by Parliament.) In 1822, being three years prior to the time fixed by Parliament, they were in a situation to furnish the gold for paying off the country small notes, (that is, they had procured the whole 20 millions in gold, near 100 millions of dollars, from foreign countries in three years,) when, without any communication with the bank, the Government thought proper to authorize a continuance of the circulation of the country small notes until 1833."

Mr. B. said it was here seen that the governor of the Bank of England complained that, when the Bank of England had procured twenty millions sterling in gold in three years, (equal to near one hundred millions of dollars,) and had suppressed its own small notes, and had gold enough to supply the place of all the country banks' small notes, these country banks got the time extended for the suppression of theirs—got it done in Parliament, without consultation with the Bank of England—and extended up to the year 1833. This is the testimony of the governor of the bank, and the point of it is this: that the Parliament lost the golden moment of doing the great work, and lost it by conforming to the interests of the small country banks, whose friends were numerous and powerful in Parliament, in opposition to the interests of the empire, and against the wishes of the Bank of England. The rest is matter of history. That history is, that these country banks never enjoyed the seven years which Parliament granted them. Having seven years to go upon, they resolved to make hay while the sun was shining. So to work they went, and put out more small notes than ever. The consequence was, the vast and disastrous

explosion of the paper system which took place in 1825, an explosion which covered all England with the wrecks of broken fortunes, and in which so many families who thought themselves affluent were suddenly sunk, without any fault of their own, and, as if by magic and enchantment, from the enjoyment of wealth and happiness, to the sufferings of poverty, misery, and despair. History, said Mr. B., is said to be philosophy teaching by example. But how many of her lessons are lost upon the world! Here is a great lesson given to us in our own time, and by the nation from whom we have borrowed our whole system of banking. Yet this lesson is lost upon us; and we must go through her sufferings, and learn it ourselves, as she did, before we can know it. Our circumstances are the same; we have accumulated upwards of 70 millions of gold and silver; it is increasing every day; we are ready for the operation of drawing in small notes, and putting out hard money; the strong and respectable banks wish us to do it; the public interest requires it to be done; the policy of President Jackson's administration prescribes it; yet we lose the golden opportunity; we put it off for five years! and instead of adopting an efficient course to act upon masses of banks, and upon every variety of their circulation under twenty dollars, we take an impotent, inefficient course, and to act upon units, and upon the notes which they issue only, and by way of bargain, which either party may terminate when it pleases, a bargain which must be fatal to our Treasury if the banks accept it!

Mr. B., having gone over these objections to the committee's bill, would now ascend to a class of objections of a higher and graver character. He had already remarked that the committee had carried out a resolution, and had brought back a bill; that the committee proposed a statutory enactment, where the Senator from Ohio, (Mr. EWING,) and the Senator from Virginia, (Mr. RIVES,) had only proposed a joint resolution; and he had already further remarked, that in addition to this total change in the mode of action, the committee had added what neither of these Senators had proposed, a clause, under a proviso, to enact paper money into cash—to pass paper money to the credit of the United States, as cash—and to punish, by the loss of the deposits, any deposit bank which should refuse so to receive, so to credit, and so to pass, the notes "receivable" under the provisions of their bill. These two changes make entirely a new measure—one of wholly a different character from the resolutions of the two Senators—a measure which openly and in terms, and under penalties, undertakes to make local State paper a legal tender to the Federal Government, and to compel the reception of all its revenues in the notes "receivable" under the provisions of the committee's bill. After this gigantic step—this colossal movement—in favor of paper money, there was but one step more for the committee to take, and that was to

make these notes a legal tender in all payments from the Federal Government. But that step was unnecessary to be taken in words, for it is taken in fact, when the other great step becomes law. For it is incontestable that what the Government receives, it must pay out; and what it pays out becomes the currency of the country. So that when this bill passes, the paper money of the local banks will be a tender by law to the Federal Government, and a tender by *duress* from the Government to its creditors and the people. This is the state to which the committee's bill will bring us! and now, let us pause and contemplate, for a moment, the position we occupy, and the vast ocean of paper on which we are proposed to be embarked.

We stand upon a constitution which recognizes nothing but gold and silver for money; we stand upon a legislation of near fifty years, which recognizes nothing but gold and silver for money. Now, for the first time, we have a statutory enactment proposed to recognize the paper of a wilderness of local banks for money, and in so doing to repeal all prior legislation by law, and the constitution by fact. This is an era in our legislation. It is statute law to control all other law, and is not a resolution to aid other laws, and to express the opinions of Congress. On this point he must be permitted to refer to what he had said in a former part of this debate, when he dwelt upon the difference between an act of Congress and a resolution of Congress, and congratulated himself that no act of the national Legislature had ever attacked the great fundamental acts for the collection of the revenues in the gold and silver money of the constitution.

Mr. B. said, the effects of this statute would be, to make a paper government—to insure the exportation of our specie—to leave the State banks without foundations to rest upon—to produce a certain catastrophe in the whole paper system—to revive the pretensions of the United States Bank—and to fasten, for a time, the Adam Smith system upon the Federal Government and the whole Union.

Mr. B. objected to the bill, for want of certainty in the kind of money which was to be received in the land offices. The whole question was left afloat. Nothing was fixed; nothing was stationary. What was land-office money to-day might not be so to-morrow. The orders for the reception and rejection of different paper, or the same paper, might vary from day to day. A farmer hears that the notes of a particular bank are receivable; he supplies himself with those notes and goes to the office. When he gets there, he may meet an order to exclude them; and then be turned over to a money-dealer to furnish himself with other notes, no better than those he had, but at a cost of five, ten, or fifteen per cent. to him, to effect the exchange. Far better would it be for the farmers and settlers to have the permanency and uniformity of gold and silver only for land-office payments; then they would always

know what they had to rely upon, and would be free from disappointments and impositions.

Mr. B. further objected to the receivability of paper money at the land offices, on account of the advantages which it gave to bankers and their favorites over the rest of the community. To a banker, or his favorite, it was pretty immaterial whether he gave a quire or a ream—a handful, or an armful—of his paper, for a parcel of land; and whether this paper was speckled over with figures for five dollars or fifty dollars, or five hundred dollars. It was all pretty much the same thing to him. To a farmer, however, who had to give labor, or produce, or property, for every dollar he obtained, it was quite another affair; and it was impossible for him to stand the competition with the man of quires, with his machine to impress letters and figures for as many dollars as he pleased, on the little oblong slips of paper which constituted bank notes. It was a shame in the Government to put the farmer in competition with such wholesale manufacturers of paper dollars.

Mr. B. further objected to this bill, because its tendency was to inundate the new States with strange and unknown bank paper. In the new States, whatever was land office money was current money. It was current, not only at the land office, but in every place, and all over the State. It was a Government indorsement, which gave credit to the whole issue of the bank. Taking advantage of this, it was quite usual for enterprising banks to get their paper made receivable in the land offices: then go to the new States, and lay out immense quantities of it in the purchase of products, or property; and then leave it to be shaved out of the hands of the people when it ceased to be land office money, or when specie was wanted for it.

Finally, Mr. B. objected, totally, to the idea of continuing to receive paper money for the dues of the Federal Government. This bill was intended to be a permanent law; there was no limitation of time in it. It was intended to continue paper money forever as the currency of the Federal Government. There was no longer any plea of necessity to justify such a gross departure from the constitution. It is not now as it was in 1816, when the joint resolution of that year was passed. Then, there was less specie in the country than ever was known; now there is more than ever was known. The joint resolution of 1816 was a great advance upon the existing state of things at that time: the same resolution would be a retrograde movement, and a great falling back at the present day. We have now near eighty millions of specie. The Secretary of the Treasury computed it at seventy-three millions two months ago, and it has been increasing ever since. A New Orleans paper computes it at eighty millions. Say the amount is seventy-five millions; that sum is far beyond any possible demand that the collection of the revenues in

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specie could demand. On this point Mr. B. spoke with data in his hand, and could demonstrate and prove up what he said. He had two different data to go upon, either of which would be sufficient, and both of which, together, would be conclusive. First, as to the amount of money which it requires to effect a given amount of payments in transacting the business of the country. Everybody knows that it does not require an amount of money equal to the whole amount of annual payments, to make those payments. This might be the case if every creditor ate all the money which he received; but as he does not eat it, but pays it over to somebody else, it follows that the same piece of money performs many payments in the course of the year; and, consequently, that a sum far below the amount of annual payments will be sufficient to effect all those payments. A proportionate supply, then, is all that is wanted; and that proportion is fixed by political economists at the one-tenth. Thus, annual payments to the amount of ten millions may be effected by means of one million; and so on in the same proportion, for any amount. Upon this data it would require but a small part of our seventy odd millions to effect all the annual payments to the Federal Government. Then, try another data. Take the experience of the Bank of the United States. During the time that that bank was the fiscal agent of the Government, nothing was received by the Federal Government but its own notes and silver; for there was then no gold in circulation. The amount of United States Bank notes in circulation, though pushed up a few times to twenty odd millions, was generally below twenty; but take that for the average, and add the silver, which was computed in 1832, by the Senator from Massachusetts, (Mr. WEBSTER,) in the debate on the renewal of the bank charter, at from twenty to twenty-two millions; put these two sums together, and you have about forty millions, or little more than half the gold and silver now in the country. Here, again, the result is satisfactory, and shows that we have more than enough for this purpose. But there is still a third way to arrive at the same result. It is by looking to the actual amount that will be required for the great sources of Government demand—lands, customs, and Post Office. The lands, whether sales are restricted to settlers, or limited to hard money payments, which would itself be a restriction of sales to settlers, it is certain not more than five or six millions of dollars' worth would be sold; and, as the Government would not eat these five or six millions, but pay them back as fast as received, it would follow that a part only of it would be sufficient to make the whole payment. Then, as to the customs: they may amount to about twenty millions, but would, in reality, require but little specie; for the payments through the customs are seldom made by counting money, but by a transfer of credit

on the books of a bank. An order to pay the customs in hard money would make very little difference in the payments as now made. This, every merchant and business man fully understands. Next, as to the Post Office: here the receipts are upwards of four millions per annum; but the Postmaster General does not eat the money, but pays it out immediately, and sends it back into the mass of circulation, in payment for services rendered to the Department by contractors, agents, deputy postmasters, &c., who immediately disburse it among the community.

Mr. B. said that this bill, though in its terms a general measure, and professing to act only on coming events, yet was, in reality, a measure rescinding the Treasury order of July last; and, as such, was greeted and saluted by the friends of the rescision on this floor. They openly celebrated the advent of the bill as the triumph of their movement, and announce its passage as a welcome victory. This may be. They may carry the bill, but they cannot carry the argument. They may rescind the order, but they cannot verify Mr. Biddle's prediction of the distress it was to create, nor invalidate President Jackson's statement of the good it had produced. In the month of November, Mr. Biddle predicted a world of woe—all to take place by the time that Congress met, and all to result from the Treasury order, and the manner of executing the deposit act—"intense pecuniary distress; derangement of exchanges; loss of confidence; destruction of the public prosperity; scarcity of money; fall of prices; ruin of the currency;" and he averred that the instant repeal of the Treasury order, under the command of Congress, if the Secretary would not do it voluntarily, would restore confidence in twenty-four hours, and put an end to all this mass of woe in twenty-four days. On the other hand, the President informed us, in his annual Message, that the same Treasury order had produced many salutary consequences. He says it has checked the career of the Western banks, and given them additional strength to meet approaching difficulties; that it has cut off the means of speculation in the public lands; that it has saved the new States from the evils of a non-resident proprietorship; that it has kept open the public lands to the entry of cultivators, and saved them from competition with those who are favored with bank facilities; that it has caused gold and silver to flow into the new States, and placed the business of the whole country on a safer and more solid basis. This is the representation of the President; and which is the true picture? his statement, or Mr. Biddle's prediction? Surely the state of the country will answer the question! Certainly the personal knowledge of every individual will enable him to answer it! The whole prediction for the panic and pressure has failed! the edict for the distress has failed! It was to no purpose that the distress was commenced at several

places; that many presses, and several speakers on this floor, announced and proclaimed it. The seventy odd millions of hard money which had been brought into the country was death to the operation; and, after a few vain efforts to renew the scenes of 1833, after a few abortive demonstrations to alarm the public, the whole contrivance was abandoned, or, rather, the performance was postponed; for it is never to be forgotten that panic and pressure is part of the permanent system of the denationalized national bank, and will be brought to bear, whenever opportunity will permit, until it shall be proved to the people that they cannot live without a national bank. The edict for the distress, then, has failed; and the failure of that scheme is itself the proof of the truth of President Jackson's statement of the good effects of the order. That order has been attended by every good effect which he has mentioned, and this is universally known in the West, and is proved negatively by the total absence of all complaint from that quarter. Nobody in the new States complains to us; no one in the new States sends here to demand the rescission of the order. That demand comes from Philadelphia, where there are no public lands; from Kentucky, where there are none; from Ohio, where there are next to none; and from members on this floor, who are backed by no memorials from home. The letter from the clerk in the land office at Kalamazoo covers the whole ground, and proves the wisdom, the beneficence, and the necessity of that order. The diminution of the sales after the issuing of the order is a further proof to the same effect. Before the sales, that is to say, in the months of May and June, two months in which the amount of sales should have been least, they amounted to the sum of six millions and a quarter; the months of October and November, the two months in which the sales should have been greatest, the amount was three millions one hundred thousand. The month of December, though the returns are not complete, shows a still further decline; and if gentlemen had patience to wait for the returns of January, the first month in which the order had full effect, they would, no doubt, find it bringing down the sales to a moderate amount, and effecting a diminution of income, from that source of revenue, to as small a degree as could be desired, and in a manner the most simple, the most regular, the most effectual, and the most satisfactory, that can be devised by the wit of man.

Every good consequence stated by the President had resulted from the operation of the order; and the evidence of this was too public and notorious to require illustration, or to admit of enumeration. But there was one point of his statement which was an exception to this remark, and on which it would be profitable to go into some detail; for it concerned not only the lands, but the far more important subject of

the currency itself; he alluded to that part of the President's Message in which he stated that this order had checked the career of the Western banks, and compelled them to strengthen themselves against the revulsions consequent upon every expansion of the bank issues. This was true to a degree of which no one had a conception but those who had access to a knowledge of the condition of all the banks, and who availed themselves of that right of access to examine into the condition of these banks, and to compare that condition with the approved principles of what is considered safe and sound banking.

Mr. B. said that, among those things which were considered as settled in the science and mystery of banking, there was one principle which required the immediate means of the bank to bear a certain proportion to its immediate liabilities; below which proportion it was not safe for the bank to descend. The immediate means of the bank are its specie on hand; its liabilities are the circulation and the deposits; and the proportion which these ought to bear to each other has been fixed, at the Bank of England, after an experience of one hundred and forty years, at the one-third. Mr. B. deemed the verification of this principle so material that it deserved to be proved as well as stated. He would therefore produce the sworn testimony on this point taken before Lord Althorp's committee in 1832, and should confine himself to the evidence of the governor of the bank and one of its directors. The testimony of Mr. Horsley Palmer, the governor of the bank, is this: "The average proportion, as already observed, of coin and bullion which the bank thinks it prudent to keep on hand, is at the rate of a third of the total amount of all her liabilities, including deposits as well as issues." Mr. George Ward Norman, a director of the bank, states the same thing in a different form of words. He says: "For a full state of the circulation and the deposits, say twenty-one millions of notes and six millions of deposits, making in the whole twenty-seven millions of liabilities, the proper sum in coin and bullion for the bank to retain is nine millions." Thus, the average proportion of one-third between the specie on hand and the circulation and deposits, must be considered as an established principle at that bank, which is quite the largest, and amongst the oldest in the world. It might be well also to remark that the same proportion, very nearly, prevailed in the Bank of the United States at the time of the removal of the deposits in October, 1833; it was, of specie on hand, \$10,663,441; of circulation and deposits, \$37,105,465; being at the rate of between one-third and one-fourth of specie in hand for immediate liabilities. The proportion of about one-third being then established as the principle of safety in banking, let us apply that principle to some of our Western deposit banks in July last, to see what was

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their condition at that time; and in November, to see whether that condition was improved, as stated by the President.

[Here the statements were produced.]

Mr. B. said such was the condition of some of the Western deposit banks in July last, and such their condition in November; very far below the Bank of England standard at both periods, but greatly improved by the operation of the specie order, and doubtless much more improved by its continued operation to this time. There were many others of these banks also falling far below the Bank of England standard in July and November, and still below it. Mr. B. was ready to admit, what every business man must understand, that all these banks have a list of debts, and of bills of exchange, falling due from day to day, and amounting in the aggregate to more than all their liabilities; but he must be permitted to remark, that the Bank of England also has her list of debtors, and that nearly the whole of these debtors are in the city of London, within thirty minutes' run of the bank; that she is situated in the moneyed metropolis of the universe; that she is supported by the richest and most numerous body of merchants upon the earth, and backed by the whole power of the British Government, which stands her security for seventy millions of dollars, and lends her exchequer bills to the amount of millions, and increases their interest to facilitate their sale when necessary; and that, with all these resources, such as no bank in our America can pretend to, she yet deems it necessary to have always on hand, in coin and bullion, the one-third of the amount of her circulation and deposits. What, then, must be thought of the condition of some of the banks referred to, and others which might be referred to, in July last? Instead of one-third specie in hand to meet their immediate liabilities, the actual proportion in hand was the one-twentieth, the one-thirtieth, the one-fortieth, and the one-fiftieth! Mr. B. said it was beyond all human doubt, that if the Treasury order had not been issued, that the Western deposit banks would have exploded in the course of the last fall, and that we should now have been sitting here amidst the wrecks of the paper system. That order prevented this catastrophe; and it is precisely because it did prevent it, that it has excited the rage of Mr. Biddle, and of the whole political party imbodyed under the *oriflamme* of the denationalized national bank. It balked their present hopes of reascension to power through the ruin of the finances; and in their rage for this disappointment, they denounce the President for a violation of the laws and the constitution; they charge him with ruining the country; they attempt a new panic and pressure; and they call upon Congress to repeal the order.

[Here Mr. Benton read a bank letter of Mr.

Biddle, in favor of the local banks and against the specie circular, and showing that he chalked out the plan for this attack upon that circular, and in favor of imposing paper money upon the federal treasury, just as he had chalked out all the measures for the panic session.]

Mr. B. said that the views and sentiments disclosed in this extract were of great moment, and ought to be carefully considered by all whose duty it is, here or elsewhere, to legislate, or to act, upon the subject of the currency. The design is here disclosed to stir up the local banks against the Federal Government, to make alliance with them, and to force the Government to receive their paper in payment of all federal dues. This is the design disclosed; and with what motive? Certainly to ruin the finances of the Federal Government! Certainly to compel the administrations of General Jackson and Mr. Van Buren to repeat the fatal error of Mr. Madison's administration, that of undertaking to make a national currency out of local bank notes. Warned by that fatal error of those who put down the first national bank, those who put down the second one determined to avoid it, and for that purpose to re-establish for the Federal Government the currency of the constitution. When this design was announced, our opponents treated it with derision. They said it could not be done; that a gold and silver currency could not be revived. They ridiculed the attempt; but what is the answer which four years have given to their ridicule? It is the actual revival of the gold currency, of which near twenty millions of dollars are now in the country; it is in the actual increase of our specie from twenty or twenty-two millions, as computed by the President of the Bank of the United States himself, when the charter for that institution was applied for in 1832, to near eight millions, which it is now known to be. The experiment of getting the gold and silver into the country has succeeded; ridicule has failed of its office. The gold and silver is here, enough, and more than enough, to make all the payments to and from the Federal Government. Ridicule will no longer answer; stronger measures must be resorted to, and legislation has become indispensable to the overthrow of the constitutional currency. To prevent the specie in the country from being used, is now the design; and, to accomplish that purpose, it becomes necessary to force the local paper of the States upon the Federal Government. The passage of this bill is indispensable to the success of Mr. Biddle's design, disclosed in the letter from which an extract had been read. He wants the question made between a national currency of United States Bank notes, and a national currency of local bank notes. He knows that between these two the United States Bank notes will prevail; that they will conquer, that they will whip, yes, whip like a dog, your national currency of local

bank notes. We, on the other hand, want the question made between paper and gold, knowing that the country will sustain gold against paper; and these are the questions which are now to be decided by this bill. This bill will make the question in the form wished by the friends of the Bank of the United States, and will insure them the triumph to which they look for the re-establishment of the Bank of the United States and restoration of its political friends to power.

Sir, I have performed a duty to myself, not pleasant, but necessary. This bill is to be an era in our legislation and in our political history. It is to be a point upon which the future age will be thrown back, and from which future consequences will be traced. I separate myself from it; I wash my hands of it; I oppose it. I am one of those who promised gold, not paper. I promised the currency of the constitution, not the currency of corporations. I did not join in putting down the Bank of the United States, to put up a wilderness of local banks. I did not join in putting down the paper currency of a national bank, to put up a national paper currency of a thousand local banks. I did not strike Cæsar, to make Antony master of Rome.

President and Vice President elect.

Mr. GRUNDY moved to lay the bill on the table, for the purpose of taking up and acting on the resolution submitted by him for the appointment of a joint committee to count the votes for President and Vice President. This motion having been agreed to, and Mr. GRUNDY's resolution being before the Senate,

Mr. GRUNDY had no objections to the inquiry proposed by the amendment; and he thought that some such provision as that proposed by the Senator from Kentucky would be very proper. He had seen in the public papers a statement charging that some of the electors who voted in the late presidential election held offices under the General Government, and had made inquiries for the purpose of ascertaining the truth of the matter. The information he had been able to collect related to two cases only; and as to these, the report had been founded altogether on a misapprehension.

Mr. CLAY offered the following amendment:

"And, also, to inquire into the expediency of ascertaining whether any votes were given at the recent election, contrary to the prohibition contained in the second section of the second article of the constitution. And if any such votes were given, what ought to be done with them; and whether any, and what, provision ought to be made for securing the faithful observance, in future, of that section of the constitution."

Mr. HUBBARD wished a strict inquiry to be instituted, and measures to be adopted to guard against the occurrence of such a violation of the constitution as the Senator from Kentucky referred to. As it had been stated that two of the electors in his State (New Hampshire) held

offices under the General Government, and were consequently ineligible, he was happy to state to the Senate that there was no foundation whatever for the report.

The amendment of Mr. CLAY was adopted, and the resolution, thus amended, was agreed to.

Mr. HUBBARD moved that the committee be appointed by the Chair; and Messrs. GRUNDY, CLAY, and WRIGHT, were selected.

SATURDAY, JANUARY 28.

Retirement of the Vice President.

The VICE PRESIDENT, after the reading of the journal, addressed the Senate as follows:

Senators: The period is at hand which is to terminate the official relation that has existed between us, and I leave, probably never to return to it, a body with which I have been long connected; where some remain whom I found here fifteen years ago, and where, in the progress of public duties, personal associations have arisen never to be forgotten. From such scenes I cannot retire without emotion. Nor can I give to the Senate the usual opportunity of choosing another to preside for a time over their deliberations, without referring to the manner in which I have endeavored to discharge a most gratifying and honorable trust connected with the office to which my country called me.

Entering upon it with unaffected diffidence, well knowing how little my studies had been directed to its peculiar duties, I was yet strengthened by the determination, then expressed, so to discharge the authority with which I was invested, as "best to protect the rights, to respect the feelings, and to guard the reputations, of all who would be affected by its exercise." I was sure that, if successful in this, I should be pardoned for errors which I could hardly expect to avoid.

In the interval that has since elapsed, it has been our lot in this assembly to pass through scenes of unusual excitement: the intense interest on absorbing topics, which has pervaded our whole community, could not be unfelt within these walls. The warmth of political parties, natural in such times, the unguarded ardor of sudden debate, and the collisions seldom to be separated from the invaluable privilege of free discussion, have not been unfrequently mingled with the more tranquil tenor of ordinary legislation. I cannot hope that, in emergencies like these, I have always been so fortunate as to satisfy every one around me; yet I permit myself to think that the extent to which my decisions have been approved by the Senate is some evidence that my efforts justly to administer their rules have not been vain; and I conscientiously cherish the conviction, that on no occasion have I departed from my early resolution, or been regardless of what was due to the rights or the feelings of the members of this body.

Though I may henceforth be separated from the Senate, I can never cease to revert with peculiar interest to my long connection with it. In every situation in my future life I shall remember with a just pride the evidences of approbation and confidence which I have here received; and as an American citizen, devotedly attached to the institutions of my country, I must always regard with

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becoming and sincere respect a branch of our Government invested with such extensive powers, and designed by our forefathers to accomplish such important results.

Indulging an ardent wish that every success may await you in performing the exalted and honorable duties of your public trust, and offering my warmest prayers that prosperity and happiness may be constant attendants on each of you, along the future paths of life, I respectfully bid you farewell.

Election of President pro tem.

On motion of Mr. GRUNDY, the Senate proceeded to ballot for a President *pro tem*.

The number of votes cast was 37; necessary to a choice 19. Mr. KING of Alabama had 26, Mr. SOUTHARD 7, Mr. CLAY 1, Mr. PRENTISS 1, Mr. EWING of Ohio, 1, Mr. BUCHANAN 1.

Mr. KING, of Alabama, being thus duly elected President *pro tem*. of the Senate, was conducted to the Chair by Mr. BENTON, and addressed the Senate nearly as follows:

Gentlemen of the Senate: To be again called to preside over the deliberations of this august assembly fills my heart with the liveliest emotions of gratitude. When at the last session it pleased the Senate to place me in this exalted situation, I solemnly pledged myself to discharge the duties it devolved on me, without favor and without partiality. I felt conscious that I had done so; but could any thing add to the grateful sense I entertain of the honor you have again conferred on me, it will be found in the unequivocal testimony you have this day borne, that I had faithfully redeemed that pledge. The Senate of the United States, gentlemen, is, from its very organization, the great conservative body in this republic. Here is the strong citadel of liberty. To this body the intelligent and the virtuous, throughout our wide-spread country, look with confidence for an unwavering and unflinching resistance to the encroachments of power on the one hand, and the effervescence of popular excitement on the other. Unawed and unseduced, it should firmly maintain the constitution in its purity, and present an impregnable barrier against every attack on that sacred instrument, come it from what quarter it may. The demon of faction should find no abiding place in this chamber, but every heart and every head should be wholly occupied in advancing the general welfare, and preserving unimpaired, the national honor. To insure success, gentlemen, in the discharge of our high duties, we must command the confidence and receive the support of the people. Calm deliberation, courtesy towards each other, order and decorum in debate, will go far, very far, to inspire that confidence and command that support. It becomes my duty, gentlemen, to banish (if practicable) from this hall all personal altercation; to check, at once, every remark of a character personally offensive; to preserve order, and promote harmony. These duties, as far as my powers will permit, I shall unhesitatingly perform. I earnestly solicit your co-operation, gentlemen, in aiding my efforts promptly to put down every species of disorder. For your kindness, gentlemen, I tender you my grateful acknowledgments.

On motion of Mr. GRUNDY, it was

Ordered, That the Secretary of the Senate inform

the President of the United States and the House of Representatives that the Senate have elected the Hon. WILLIAM R. KING their President *pro tem*.

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The bill designating and limiting the funds which shall be receivable in payment for the public revenues was taken up, being on its third reading.

Mr. WALKER said: Before replying to the indictment preferred by the honorable Senator from Missouri, (Mr. BENTON,) against the Committee on Public Lands, it is proper to recur to the facts and circumstances under which this controversy originated. At an early period of the session, the Senator from Ohio, (Mr. EWING,) introduced a resolution to rescind the Treasury order. This resolution was very fully discussed, and especially by the Senator from Missouri, (Mr. BENTON,) but Mr. W. had taken no part in this discussion.

[In the progress of the debate upon the resolution of the Senator from Ohio, a substitute was offered, as an amendment, by the Senator from Virginia, (Mr. RIVES.) This substitute was advocated by that Senator, as in consonance with the President's recommendation, to render the legislation of Congress in the collection of the federal revenue auxiliary to the suppression of all notes of a smaller denomination than twenty dollars, and a consequent enlargement of the circulation of gold and silver. The Senator from Virginia had regarded the Treasury order as a temporary measure, to meet a pressing emergency, and as having in a great degree performed its office.]

Mr. W. had still refrained from embarking in the discussion upon this question. Several Senators, however, had expressed their opinions, and great difficulties appeared to be presented against any satisfactory adjustment of this question. Under these circumstances, several Senators, now within the sound of his voice, had proposed to him (Mr. W.) to refer both resolutions to the Committee on Public Lands. To this reference, Mr. W. said, he had at first objected, upon the grounds that the Committee on Public Lands was engaged in the laborious examination of another question, and that the subject of designating the funds receivable for the public dues belonged more appropriately to the Committee on Finance. Upon further consultation, however, with several Senators friendly to the administration, Mr. W. had at length reluctantly assented to the proposed reference, which was accordingly made by the vote of the Senate, including that of the Senator from Missouri, (Mr. BENTON.) No other report than that which was made, so far as Mr. W. was concerned, could have been anticipated; for to every Senator with whom Mr. W. had conversed, he had expressed his concurrence in the provisions, substantially, of the resolution of the Senator from Virginia, (Mr. RIVES;) and at the last session, when the Senator from Missouri (Mr. BENTON) introduced a

resolution requiring payments of the public lands in gold and silver only, the Senate would well recollect that he (Mr. W.) had then expressed his opposition to that resolution, and so had a majority of the Senators now composing the Committee on Public Lands. When, then, the Senator from Missouri voted for this reference, he could not justly have anticipated any other report than that which was made by the committee. Why, then, did the Senator from Missouri vote for this reference, and then denounce the committee for making the only report which he could have expected, in conformity with their previously avowed opinions? Mr. W. said it became his duty, as chairman of this committee, and as their organ, to report a bill containing substantially the provisions of the resolution of the Senator from Virginia. Again, the subject had been discussed in the Senate, but Mr. W. had not participated in the debate; and the bill, by a large majority, was ordered to be engrossed for a third reading; and now, when, by the usual rules of parliamentary debate, the contest might well be considered as terminated, the Senator from Missouri, (Mr. BENTON,) before the vote on the final passage, had made a very elaborate argument against the measure. To all this Mr. W. would make no objection; but when that Senator, having exhausted the argument, or having none to offer, had indulged in violent and intemperate denunciation of the Committee on Public Lands, and of the report made by him as their organ, Mr. W. could not withhold the expression of his surprise and astonishment. Mr. W. said it was his good fortune to be upon terms of the kindest personal intercourse with every Senator, and these friendly relations should not be interrupted by any aggression upon his part. And now, Mr. W. said, he called upon the whole Senate to bear witness, as he was sure they all cheerfully would, that in this controversy he was not the aggressor, and that nothing had been done or said by him to provoke the wrath of the Senator from Missouri, unless, indeed, to differ from him in opinion upon any subject constituted an offence in the mind of that Senator. If such were the views of that gentleman, if he was prepared to immolate every Senator who would not worship the same images of gold and silver which decorated the political chapel of the honorable gentleman, Mr. W. was fearful that the Senator from Missouri would do execution upon every member of the Senate but himself, and be left here alone in his glory. Mr. W. said he recurred to the remarks of the Senator from Missouri with feelings of regret, rather than of anger or excitement; and that he could not but hope, that when the Senator from Missouri had calmly reflected upon this subject, he would himself see much to regret in the course he had pursued in relation to the Committee on Public Lands, and much to recall that he had uttered under feelings of temporary excitement. Sir, (said Mr. W.,) being deeply solici-

tous to preserve unbroken the ranks of the democratic party in this body, participating with the people in grateful recollection of the distinguished services rendered by the Senator from Missouri to the democracy of the Union, he would pass by many of the remarks made by that Senator on this subject.

[Mr. BENTON here rose from his chair, and demanded, with much warmth, that Mr. WALKER should not pass by one of them. Mr. W. asked, What one? Mr. B. replied, in an angry tone, Not one, sir. Then Mr. W. said he would examine them all, and in a spirit of perfect freedom; that he would endeavor to return blow for blow; and that, if the Senator from Missouri desired, as it appeared he did, an angry controversy with him, in all its consequences, in and out of this House, he could be gratified.]

Sir, (said Mr. W.,) why has the Senator from Missouri assailed the Committee on Public Lands, and himself, as its humble organ? He was not the author of this measure, so much denounced by the Senator from Missouri, nor had he said one word upon the subject. The measure originated with the Senator from Virginia, (Mr. RIVES.) He was the author of the measure, and had been, and still was, its able, zealous, and successful advocate. Why, then, had the Senator from Missouri assailed him, (Mr. W.,) and permitted the author of the measure to escape unpunished? Sir, are the arrows which appear to be aimed by the Senator from Missouri at the humble organ of the Committee on Public Lands, who reported this bill, intended to inflict a wound in another quarter? Is one Senator the apparent object of assault, when another is designed as the real victim? Sir, when the Senator from Missouri, without any provocation, like a thunderbolt from an unclouded sky, broke upon the Senate in a perfect tempest of wrath and fury, bursting upon his poor head like a tropical tornado, did he intend to sweep before the avenging storm another individual more obnoxious to his censure?

Sir, (said Mr. W.,) the Senator from Missouri has thrice repeated the prayer, "God save the country from the Committee on Public Lands;" but Mr. W. fully believed that if the prayer of the country could be heard within these walls, it would be, God save us from the wild, visionary, ruinous, and impracticable schemes of the Senator of Missouri, for exclusive gold and silver currency; and such is not only the prayer of the country, but of the Senate, with scarcely a dissenting voice. Sir, if the Senator from Missouri could, by his mandate, in direct opposition to the views of the President, heretofore expressed, sweep from existence all the banks of the States, and establish his exclusive constitutional currency of gold and silver, he would bring upon this country scenes of ruin and distress without a parallel—an immediate bankruptcy of nearly every debtor, and of almost every creditor to whom large amounts

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were due, a prodigious depreciation in the price of all property and all products, and an immediate cessation by States and individuals of nearly every work of private enterprise or public improvement. The country would be involved in one universal bankruptcy, and near the grave of the nation's prosperity would perhaps repose the scattered fragments of those great and glorious institutions which give happiness to millions here, and hopes to millions more of disenthralment from despotic power. Sir, in resistance to the power of the Bank of the United States, in opposition to the re-establishment of any similar institution, the Senator from Missouri would find Mr. W. with him; but he could not enlist as a recruit in this new crusade against the banks of his own and every other State in the Union. These institutions, whether for good or evil, are created by the States, cherished and sustained by them, in many cases owned in whole or in part by the States, and closely united with their prosperity; and what right have we to destroy them? What right had he, a humble servant of the people of Mississippi, to say to his own, or any other State, your State legislation is wrong—your State institutions, your State banks, must be annihilated, and we will legislate here to effect this object. Are we the masters or servants of the sovereign States, that we dare speak to them in language like this—that we dare attempt to prostrate here those institutions which are created and maintained by those very States which we represent on this floor? These may be the opinions entertained by some Senators of their duty to the States they represent, but they were not his (Mr. W.'s) views or his opinions. He was sincerely desirous to co-operate with his State in limiting any dangerous powers of the banks, in enlarging the circulation of gold and silver, and in suppressing the small-note currency, so as to avoid that explosion which was to be apprehended from excessive issues of bank paper. But a total annihilation of all the banks of his own State, now possessing a chartered capital of near forty millions of dollars, would, Mr. W. knew, produce almost universal bankruptcy, and was not, he believed, anticipated by any one of his constituents.

But the Senator from Missouri tells us that this measure of the committee is a repeal of the constitution, by authorizing the receipt of paper money in revenue payments. If so, then the constitution never has had an existence; for the period cannot be designated when paper money was not so receivable by the Federal Government. This species of money was expressly made receivable for the public dues by an act of Congress, passed immediately after the adoption of the constitution, and which remained in force until eighteen hundred and eleven. It was so received, as a matter of practice, from eighteen hundred and eleven until eighteen hundred and sixteen, when, again, by an act of Congress then passed, and

which has just expired, it was so authorized to be received during all that period. Now, although these acts have expired, there is that which is equivalent to a law still in force, expressly authorizing the notes of the specie-paying banks of the States to be received in revenue payments. It is the joint resolution of eighteen hundred and sixteen, adopted by both Houses of Congress, and approved by President Madison. That joint resolution is in these words:

"That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States."

Commenting upon this resolution, the Senator from Missouri, in his speech of December last, declared:

"This is the law, continued Mr. Benton, and nothing can be plainer than the right of selection which it gives to the Secretary of the Treasury."

"The words of the law are clear; the practice under it has been uniform and uninterrupted from the date of its passage to the present day. For twenty years, and under three Presidents, all the Secretaries of the Treasury have acted alike. Each has made selections, permitting the notes of some specie-paying banks to be received, and forbidding others."

Here this joint resolution is admitted by the Senator from Missouri to be "the law," and that the practice under it has been uniform to receive the notes of specie-paying banks. If, then, to authorize the reception of the notes of specie-paying banks in payment of the public dues be a violation of the constitution, it is obvious that the constitution never has had any existence, except in the golden visions of the honorable Senator from Missouri. Sir, what more is done by the bill reported from the Committee on Public Lands, and now ordered to be engrossed by the Senate, than had been already accomplished by the joint resolution of 1816? This bill, as thus engrossed, is as follows:

"An act designating and limiting the funds receivable for the revenues of the United States.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether

arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided: that is, that no such duties, taxes, debts, or sums of money, payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, under the following restrictions and conditions in regard to such notes, to wit: from and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars, shall be so receivable; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

"Sec. 2. *And be it further enacted*, That no notes shall be received by the collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: *Provided*, That if any deposit bank shall refuse to receive and pass to the credit of the United States, as cash, any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank."

Now, the principal difference between the provisions of this bill and the joint resolution of 1816 consists in the exclusion by the bill of notes of small denominations from revenue payments. Yet the Senator from Missouri would leave the resolution of 1816 in full force, unrepealed, unmodified, and yet objects to the measure now before us. The Senator from Missouri would have remain in force a resolution of Congress, by which the Secretary of the Treasury may, at his discretion, receive for the public dues bank notes, even of one dollar; and yet he objects to a measure by which that discretion is limited to the receipt of notes of the higher denominations. By the resolution, as it stands, the Secretary of the Treasury may collect the whole public revenue in bank paper; by the bill, as proposed, a portion of the public dues must be collected in gold and in silver; and yet the Senator from Missouri objects, and denounces the measure as a repeal of the constitution, by authorizing the payment of the public dues in bank paper, as if it were not authorized already by the joint resolution of 1816, which, as regards the customs, is untouched even by the Treasury order. Strange inconsistency! singular delusion! But has it come to this: that Congress has surrendered an unlimited discretion, as regards the funds receivable for the public dues, into the hands of the Secretary of the Treasury, and must not now interfere? That, in the opinion of the Senator from Missouri, it is all right that the

Secretary of the Treasury should possess the discretionary power of receiving or rejecting bank paper in payment of the public dues; of discriminating between different individuals and different branches of the public revenue; of putting up and putting down bank paper at his pleasure—but that for Congress to interpose and define or limit that discretion is a violation of the constitution. That for the Secretary of the Treasury to regulate the currency at his pleasure, and put up and put down State banks and their paper, is all right; but that for Congress to limit and define his power, in these respects, is unconstitutional. The Secretary of the Treasury, then, must be above Congress, and above the constitution, possessing an omnipotent, unchangeable, irreversible power on this subject. Is not the Senate astounded by the avowal and advocacy of such doctrines upon this floor—doctrines worthy of the Polignacs of France, and of the Stuarts of England, but wholly incompatible with the genius of our institutions, and directly contradictory, as shall be shown hereafter, to the opinions upon this subject of our patriotic President? Are the American people prepared to sustain these doctrines—doctrines which are essentially monarchical, which take from Congress all power over this subject; which deny their authority, the authority of the representatives of the people and of the States, and erect the Secretary of the Treasury into a dictator, whose mandates we may not control or alter? Sir, if the Secretary of the Treasury may thus abolish our power on this subject, and render it unconstitutional for us to interfere with his orders, why may not every other Secretary of every other Department claim similar power and the same exemption from our control? Such doctrines are the very essence of despotism, and now for the first time have they been openly avowed upon this floor and in this country. Tell me not, then, that the Secretary of the Treasury may receive or reject bank paper at his pleasure; may receive it, as he now does, for customs, and reject it in payment of the public lands; and that it is unconstitutional for Congress to regulate, define, and limit, that discretion. Standing upon the broad basis of the constitution, he would resist such doctrines; for they can only be maintained by a total overthrow of free government, and the establishment of arbitrary and despotic power.

But the Senator from Missouri tells us that he objects to the bill of the committee as an act of Congress, when it should have been a resolution. Sir, does that Senator contend that in directions given by Congress to the Secretary of the Treasury, as regards the funds receivable for the public dues, there is any distinction between a *be it enacted*, and a *be it resolved*, by the Congress of the United States? The constitution prescribes no such form, and recognizes no such distinction. It requires joint resolutions, except for adjournment, as well as laws, to be approved by the President;

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and when this is done, they have the same obligatory energy in limiting and directing the acts of our public agents. Sir, when the Senator from Missouri urged this new objection, he seemed to have forgotten his speech of December last, in which, when commenting upon the joint resolution of 1816, he declared "this is the law;" but now that Senator would have us believe that a joint resolution is not equivalent to a law of Congress. But if there be this distinction between a law and a joint resolution, in support of this plea of abatement, upon which the Senator from Missouri now relies, it shall be shown, before the close of this address, that the Senator from Missouri has himself, within the last twelve months, proposed laws, and amendments to laws, expressly authorizing the receipt of bank paper in payment of the public dues; and, consequently, if his own argument be true, has proposed a repeal of the constitution. Before, however, proceeding to this branch of the subject, let me ask, if the reception of bank paper in payment of the public dues be a violation of the constitution, then not only have Congress, but this administration, and every one that preceded it, uniformly violated the constitution. Down to the period of the Treasury order of July last, this administration has constantly received bank paper in payment of the federal revenue, and is still receiving it, even under the Treasury order, in payment of customs. The argument, then, of the Senator from Missouri, is a bitter denunciation of the whole course of the President on this subject preceding the Treasury order, and it is also a denunciation of the principles of that order, so far as it does not exclude bank paper in payment of customs. The administration is now receiving bank paper in payment of customs, and no change on this subject is proposed by the President; and yet the Senator from Missouri tells us, that for Congress to authorize the reception of bank paper in payment of the public dues is to repeal the constitution. Here is conclusive evidence that the Senator from Missouri goes far beyond the views of the President upon this subject. But the Senator from Missouri objects to the proviso of the bill introduced by the Committee on Public Lands, authorizing the Secretary of the Treasury to withdraw the deposits from any bank which refuses to pass to the credit of the United States, as cash, the notes of such specie-paying banks, receivable under this bill, as the bank receives on general deposit. This proviso is a wholesome restriction upon the abuse of power by the deposit banks. It will curtail, and was intended to curtail, the power of the deposit banks. It will arrest an odious monopoly, by preventing the deposit banks from making their notes the only paper receivable for the public dues; thus rendering, for all practical purposes, the paper of these banks the only currency of the Federal Government, to the manifest inconvenience of the people, and the

severe oppression of other State banks equally as solvent as these institutions. It will prevent an oligarchy of deposit banks from controlling the currency, and exercising a power over the prosperity of the country quite as despotic as that possessed by the Bank of the United States. If we reject this proviso we shall only have disenthralled the American people from the Bank of the United States; one master, to substitute eighty masters; a combination of which, uncontrolled by this proviso, might hold in their power the prosperity of this nation. This same power was confided, in relation to the removal of the deposits, to the Secretary of the Treasury, as regards the Bank of the United States; and the existence, as well as the exercise, of this power, by that officer, was deemed, by the Senator from Missouri, most wise and salutary. Yet the Senator from Missouri now objects to this power, and says he would not intrust it even to the administration of the President or of his successor. Indeed! The Senator from Missouri would not confide to the Secretary of the Treasury the necessary power to remove the public moneys from any deposit bank, thus abusing its authority, and oppressing the people, in the contingency referred to in the proviso; and yet he would permit the joint resolution of 1816 to remain unrepealed and unmodified, by which the Secretary of the Treasury might, at his discretion, regulate the whole currency of the country, receive or reject bank paper at his option, change and rechange his orders upon this subject, introduce or exclude the currency of gold and silver, and exercise over this whole subject powers unregulated and uncontrolled. Sir, the Senator from Missouri stops at the molehill of this proviso, whilst he surmounts the mountain which rises to our view, upon a survey of the enormous powers which that Senator would intrust, without any regulation, into the hands of the Secretary of the Treasury.

Mr. W. said he would now proceed to prove that the Senator from Missouri had himself originally proposed something similar to the provisions of the bill which he now denounces as a violation of the constitution; and especially that he had directly proposed, by resolution as well as laws, to authorize the receipt of bank paper in payment of the public dues; and, until very recently, limited himself to the exclusion of notes under twenty dollars, as proposed by the bill of the committee. And, first, Mr. W. read from the journals of the Senate, under date of the 9th April, 1834, as follows:

"The following motion, submitted by Mr. Benton, was considered:

"Resolved, That a committee be appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to consider and report to the Senate and to the House, respectively, what alterations, if any, are necessary to be made * * * * * 3. In the joint resolution of 1816, (for the better collection of the revenue,) so as to exclude all bank notes under

twenty dollars from revenue payments after a given period, and to make the revenue system of the United States instrumental in the gradual suppression of the small-note circulation, and the introduction of gold and silver for the common currency of the country."

Here it will be perceived that the Senator from Missouri then considered the joint resolution of 1816 as requiring alterations by Congress, so as "to exclude all bank notes under twenty dollars from revenue payments after a given period." Here, then, was a direct proposition, by that Senator, to do precisely what is done by the bill of the committee, as regards the exclusion from revenue payments of notes only "under twenty dollars." Why, then, does the Senator now denounce what was then his own project as a repeal of the constitution?

His project then was, not as it now is, to exclude all but gold and silver from revenue payments, and cut loose the Federal Government from the paper system, but the very reverse, namely: to authorize bank notes not under twenty dollars to be received in revenue payments. And how received? Why, by regulations then proposed by him, to be made by Congress—by alterations of the joint resolution of 1816. The honorable Senator then also proposed to make "the revenue system of the United States instrumental in the gradual suppression of the small-note circulation, and the introduction of gold and silver for the common currency of the country." The terms "common currency," as distinguished from exclusive currency, are italicized in the resolution of the Senator from Missouri, and the suppression confined to "the small-note circulation." This suppression of "the small-note circulation," of notes under twenty dollars, was to be effected by the instrumentality of the revenue system of the United States. Now, is not all this precisely what is proposed in the bill of the committee? And are not that bill and this resolution of the honorable Senator substantially the same? Since this period, a great revolution appears to have taken place in the opinion of the honorable Senator, both as regards questions relating to the currency and to constitutional law. Then, that Senator was satisfied to encourage the circulation of bank notes not under twenty dollars, and to receive them in revenue payments. Now, nothing will answer his purpose but gold and silver; and, to authorize any thing else to be received in revenue payments is denounced as a repeal of the constitution! If this doctrine be true, then the Senator from Missouri stands upon the Senate journals self-convicted of an attempt to repeal the constitution.

But the Senator from Missouri has embodied the twenty-dollar principle as connected with the federal revenue, in an act of Congress, not a resolution.

Mr. W. here read from the journals of the Senate, under date of the 6th of April, 1836, as follows:

"The Senate resumed the consideration of a bill

entitled 'An act making appropriations for the payment of the revolutionary and other pensioners,' &c. The following amendment, proposed by Mr. Benton, being under consideration:

"SEC. —. *And be it further enacted*, That no bank note of less denomination than twenty dollars shall hereafter be offered in payment, in any case whatsoever, in which money is to be paid by the United States or the Post Office Department; nor shall any bank note of any denomination be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him."

This section was, on the motion of the Senator from Missouri, embodied in the act of Congress referred to, and is now the law of the land, having passed both Houses of Congress, and received the sanction of the President. This provision, it is true, is confined to payments by the United States. But if the United States, under this law, are to pay out bank notes not under twenty dollars, how can this be done if they are not authorized to receive such notes? What could be more contradictory than a bill, the first section of which should authorize notes not under twenty dollars to be paid by the United States, and the second section of which should prohibit the United States from receiving in payment any thing but gold and silver? How could the United States, by law, in all time to come, pay out that which by law they were debarred from receiving? The Senator from Missouri, then, has, by law, connected the Federal Government with the paper system. This section, adopted on the motion of the Senator from Missouri, would come in very properly as an additional clause in the bill now before us; but as an additional proviso to the bill, which shall be quoted hereafter, proposed by that Senator, to re-establish a currency of gold and silver for the Federal Government, it would be ridiculous and contradictory.

Mr. W. stated that the Senator from Missouri had still further committed himself on this subject. He had not only directly countenanced the payment of the federal revenue in bank notes, but had himself proposed, at the last session, the creation by Congress, in this District, of new banks, authorized to issue notes not less than twenty dollars. Mr. W. here read from the journals of the Senate, under date of the 4th June, 1836, as follows:

"The Senate resumed the consideration of the bill to extend the charters of certain banks in the District of Columbia.

"On motion of Mr. Benton to recommit the bill, with instructions to report separate bills for the incorporation of new banks, with small capitals, adapted to the capacity of the District to sustain specie banks, and strictly limited to the business of the place; the said incorporations to contain, among other provisions, the following principles: 4. The banks to issue no notes of less denomination than twenty dollars; and

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all notes of less denomination than twenty dollars, by other banks, to be prohibited from circulation within the District. 5. All the notes and paper currency issued by said banks to be paid in gold and silver; one-half of either at the option of the demander, the other half at the option of the bank."

Now, Mr. W. would ask, if Congress could by law establish even in this District a certain number of banks authorized to issue notes of a certain denomination, could it not exercise the smaller power of authorizing the reception of bank notes in revenue payments? But, Mr. W. said, he quoted this to show that even at this late period the Senator from Missouri was not prepared to do execution on all banks and all bank paper. There were some curious matters connected with these propositions of the Senator from Missouri. His fifth proposition required "all notes and paper currency issued by said banks to be paid in gold and silver; one-half of either at the option of the demander, the other half at the option of the bank;" and this same provision the honorable Senator also proposed to apply to "the deposit banks," "in consideration of being made or continued depositories of the public moneys." Sir, the honorable Senator from Missouri would have the banks pay in a currency better than that required by the constitution. By that instrument, gold or silver is a legal tender in payment of debts, and a bank note is only an evidence of a debt due by the bank to the holder of the note; but the honorable Senator would require the banks to pay their notes in gold and silver, one-half of each metal. When a note of a thousand dollars shall be presented to a bank for redemption in specie, it is hoped the honorable Senator will not require those of less personal prowess than himself to carry away five hundred dollars in silver, when the bank otherwise might pay the whole amount in gold. Such equal division of the precious metals, however beautiful in theory, would be most inconvenient in practice; and if the honorable Senator is so equally attached to gold and silver as to be resolved on having a precisely equal circulation of each, there is one way which, if it were not presumptuous, Mr. W. could recommend to his serious consideration. It was this. That Senator took great delight in exhibiting a new and favorite coin of his, which he called billon. Mr. W. hoped he pronounced the word correctly; he was sure the Senator from Missouri did. This coin was composed partly of copper, and partly of silver, though not precisely one-half of each; the Senator having suffered great injustice to be done to the silver, by permitting a great preponderance of copper, a very inferior metal, not recognized by the constitution as a tender. Now, Mr. W. would suggest, that if the Senator from Missouri would have coined a new species of billon, composed of gold and silver, precisely one-half of each in value, would it not answer his purpose? Mr. W. would not warrant that it would answer, but would only

suggest it to the consideration of the Senator from Missouri, as a substitute for his proposed entire equalization of the circulation of gold and silver, by compelling the banks to redeem their notes in one-half of each metal, especially as these banks might not find it very convenient to comply with these requisitions, and as a greater quantity of one metal than of the other might find its way, from time to time, out of the country, and thus destroy this metallic equilibrium of the honorable Senator.

Thus far the Senator from Missouri seemed to have confined his views to the exclusion of notes under twenty dollars in revenue payments. But, on the 10th of June last, he changed his position, and introduced into the Senate the following bill:

"A bill to re-establish the currency of the constitution for the Federal Government.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That bank notes and paper currency of every description shall cease to be received or offered in payment, on account of the United States, or of the Post Office, or in fees in the courts of the United States, as follows: of less denomination than twenty dollars, none after the 3d day of March, 1837; of less denomination than fifty dollars, none after the 3d day of March, 1838; of less denomination than one hundred dollars, none after the 3d day of March, 1839; of less denomination than five hundred dollars, none after the 3d day of March, 1840; of less denomination than one thousand dollars, none after the 3d day of March, 1841; and none of any denomination from and after the 3d day of March, 1842.

"*SEC. 2. And be it further enacted,* That any person holding an appointment under the laws of the United States, and any bank employed to keep public moneys, which person or bank shall neglect, evade, violate, contravene, or in any way elude, or attempt to elude, the provisions of this act, shall be guilty of an offence against the laws; and the person so offending shall be liable to be dismissed from the service; and the bank so offending shall, on satisfactory information, be discontinued as a depository of public moneys."

And here Mr. W. would remark that, by this bill, bank notes were permitted to be received in revenue payments until the 3d of March, 1842. If, then, the argument of the Senator from Missouri be correct, that to authorize, by act of Congress, the receipt of bank notes in revenue payments be a repeal of the constitution, this bill of the honorable Senator should have been entitled a repeal of the constitution until the 3d of March, 1842. The provisions of this bill were somewhat remarkable. All bank notes under twenty dollars were immediately excluded; the twenty-dollar notes, being the next greatest violators of the constitution, were executed in March, 1837; those of fifty dollars in March, 1838; those of one thousand dollars were repealed till March, 1841; and in March, 1842, execution was done on all "bank notes and paper currency of every description," and "the currency of the constitution" was re-established. Now, how was this

prodigious revolution to be effected? Why, by dismissing from office any officer of the Government who should receive or offer in payment any thing but gold and silver, by which all were to be excluded but converts to the metallic currency of the honorable Senator; and by discontinuing, as a depository of the public moneys, any bank which should commit a similar offence. Now, does any Senator believe that any bank would accept the deposits on such terms? That it must pay out the public moneys in nothing but gold and silver, and transfer the precious metals from place to place, thousands of miles, at the will of the Government. Recollect that not only "bank notes," but also "paper currency of every description," is excluded by this bill; and, consequently, bank drafts would be as effectually refused by this bill as bank notes. Indeed, the authority to receive "funds," Eastern or Western, from any bank, constitutes one of the Senator's objections to the bill of the committee. Let us suppose, then, that the Government has two millions in silver at Natchez, which it desires at four different points, each one thousand miles distant. Will it transport these wagon loads of silver from point to point, where the money is wanted by the Government? for, recollect the Government must have the hard money, for it is to pay out as well as receive nothing but this. Is this practicable, or is there a bank in the Union that would accept the deposits on such terms as these? The banks are to be continued by this bill as depositories of the public moneys, as the fiscal agents of the Government, and yet we are to reject the paper of our own agents. The amount of the public revenue of last year was forty-seven millions of dollars. Now, all this we are to intrust to the custody of the banks; we are to trust them to the amount of forty-seven millions of dollars; but to refuse to receive any portion of their paper, in other words, trust them for forty-seven millions of dollars, and refuse them credit even for a twenty-dollar note. We are first asked to employ the banks as fiscal agents, and then set about the work of their destruction. Sir, the passage of this bill would insure the abandonment of the deposit bank system; and, as fiscal agents we must have, it would insure the re-establishment of a Bank of the United States, with all its oppressive powers. And here let me ask, can any thing be more inconsistent, as well as impracticable, than to employ the State banks as fiscal agents, as depositories of the public moneys, and yet reject their paper? If it be unconstitutional to receive one dollar of the public dues in the paper of any bank, is it not equally unconstitutional to make these unconstitutional banks, issuing this unconstitutional currency, our fiscal agents for the whole amount of our revenue, by bank credits? Under our deposit bill, when we confide money to a deposit bank, have we not previously taken its bond to repay? And if we take its bond, why not its paper? Sir, to carry out the gen-

tleman's doctrine, he should discard the deposit banks as fiscal agents, and employ hundreds of separate individual agents, constantly traversing the country in all directions, with mules or wagons loaded with gold and silver. Such a system, and to this it would come, would require an army of agents greater than our whole standing army, to receive, transfer, and disburse, the forty-seven millions of gold and silver, the amount of this year's federal revenue. Such a system would enlarge the patronage and power of the General Government to an almost unlimited extent, and, if successful, paralyze the State Governments, by the destruction of State banks, State credit, and State institutions. But the whole system is impracticable, and it is time that the country should know that such is the opinion of the whole Senate, with the single exception of the Senator from Missouri himself. Sir, that Senator may rally three or four votes against the bill of the committee, but it will be from objections to the details of the measure, and not because they adopt the opinions of the Senator from Missouri on this subject. If the constitution is repealed by the reception of bank notes in revenue payments, why did the Senator from Missouri never come to the rescue till the 10th of June, 1836; and why did he then permit the session to pass by without any vote upon the measure; and why has he not reintroduced it at this session? The fact is, and the country should know it, that the Senator from Missouri can get no vote for this bill of his, except his own. Now, at this moment, he may bring it forward, or at any period of the session; we are anxious he should do so; and all we ask is a vote by ayes and noes, to show the American people that the Senator from Missouri stands alone on this subject. Now, the measure of the Senator from Missouri is not only impracticable, but defeats the great object of suppressing the small-note currency, and enlarging the circulation of gold and silver. The Federal Government, aided by its revenue, by the depositories of its money, and by State legislation, might gradually suppress all bank notes under twenty dollars, and gold and silver would then necessarily fill the vacuum, and constitute the common currency of the country in the ordinary transactions between the dealer and consumer. This would disarm the State banks of nearly all power to do evil, arrest excessive issues of bank paper, substitute gold and silver for all that great portion of the circulation of banks which consists of notes under twenty dollars, render and preserve the banks sound and solvent, our currency stable, and put an end to all apprehension of that explosion of the paper system with which many believe we are now threatened. This was a practical reform of the currency, and one which, Mr. W. said, he was deeply solicitous to see effected; but it can only be effected by the co-operation with Congress of the State Legislatures. The reform, too, must be by gradual and successive steps.

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Treasury Circular—Funds receivable for Public Dues.

[SENATE.]

Therefore, the bill only proposed the refusal of the five-dollar notes after the 30th December, 1839, and the refusal of the ten-dollar notes after the 30th December, 1841, periods when Congress will be in session; and if the States will not then co-operate with us in this reform, we must, as the representatives of their wishes, repeal or modify the measure.

But will the measure of the Senator from Missouri effect any useful purpose? It holds out to the State banks no inducements to suppress their small-note currency. It is a declaration of war by this Government against the people of the States and the banks of the States. It demands that, out of a gold and silver currency in circulation, of twenty-eight millions, (as estimated by the Secretary of the Treasury,) we should pay in this currency a revenue of forty-seven millions, according to the receipts of this year. It demands, then, an impossibility, unless an explosion of the State banks is created by draining them of their specie. It demands that this gold and silver be, at all the various points of collection or payment, at all times, in sufficient quantities to make these revenue payments and disbursements also. It would withdraw gold and silver from general circulation, and confine its use almost wholly to revenue payments and disbursements. It is, finally, an effort, on the part of this Government, to render all the notes of all the State banks uncurrent within the limits of the States, and is equivalent to a demand made by Congress upon the State banks to surrender their charters, or upon the State Legislatures to repeal them; and Mr. W. said he had never been authorized by the State of Mississippi to demand, in their name, a repeal or overthrow of any of their State institutions. To the extent that he was now willing to go, Mr. W. said he had distinctly expressed himself in an address preceding his election: in favor of the abandonment of the small-note currency, in favor of receiving the notes "for larger amounts" "of the solvent State banks," for "all dues to the National Government;" in favor of the enlargement of the circulation of gold and silver, and against "an exclusively metallic currency." Mr. W. said, having been elected with the open avowal of these doctrines, he hoped he stood not only upon the basis of his own previously expressed views, but also upon those of his constituents, in supporting the present bill, and opposing that of the Senator from Missouri.

Where is the distinction, in principle, as regards the reception of bank paper on public account, between the two provisions? And the Senator from Missouri, in thus denouncing the bill of the committee as a repeal of the constitution, denounces directly the President of the United States. Congress, no more than a State Legislature, can make any thing but gold or silver a tender in payment of debts by one citizen to another; but that Congress, or a

State Legislature, or an individual, may waive their constitutional rights, and receive bank paper or drafts, in payment of any debt, is a principle of universal adoption in theory and practice, and never doubted by any one until at the present session by the Senator from Missouri. The distinction of the Senator in this respect was as incomprehensible to him (Mr. W.) as he believed it was to every Senator, and, indeed, was discernible only by the magnifying powers of a solar microscope. It was a point-no-point, which, like the logarithmic spiral, or asymptote of the hyperbolic curve, might be forever approached without reaching; an infinitesimal, the ghost of an idea, not only without length, breadth, thickness, shape, weight, or dimensions, but without position—a mere imaginary nothing, which flitted before the bewildered vision of the honorable Senator, when traversing, in his fitful somnambulism, that tessellated pavement of gold, silver, and billon, which that Senator delighted to occupy. Sir, the Senator from Missouri might have heaped mountain-high his piles of metal; he might have swept, in his Quixotic flight, over the banks of the States, putting to the sword their officers, stockholders, directory, and legislative bodies by which they were chartered; he might, in his reveries, have demolished their charters, and consumed their paper by the fire of his eloquence; he might have transacted, in fancy, with a metallic currency of twenty-eight millions in circulation, an actual annual business of fifteen hundred millions, and Mr. W. would not have disturbed his beatific visions, nor would any other Senator—for they were visions only, that could never be realized—but when, descending from his ethereal flights, he seized upon the Committee on Public Lands as criminals, arraigned them as violators of the constitution, and prayed Heaven for deliverance from them, Mr. W. could be silent no longer. Yes, even then he would have passed lightly over the ashes of the theories of the honorable Senator, for, if he desired to make assaults upon any, it would be upon the living, and not the dead; but that Senator, in the opening of his (Mr. W.'s) address, had rejected the olive branch which, upon the urgent solicitation of mutual friends, against his own judgment, he had extended to the honorable Senator. The Senator from Missouri had thus, in substance, declared his "voice was still for war." Be it so; but he hoped the Senate would all recollect that he (Mr. W.) was not the aggressor; and that, whilst he trusted he never would wantonly assail the feelings or reputation of any Senator, he thanked God that he was not so abject or degraded as to submit, with impunity, to unprovoked attacks or unfounded accusations from any quarter. Could he thus submit, he would be unfit to represent the noble, generous, and gallant people, whose rights and interests it was his pride and glory to endeavor to protect, whose honor and character were dearer

to him than life itself, and should never be tarnished by any act of his, as one of their humble representatives upon this floor.

Mr. RIVES returned his thanks to Mr. WALKER for his able and satisfactory defence of the bill. He should not be able to add much to what had been said by the honorable Senator, but was desirous of adding his mite in reply to so much of what had so zealously been urged by the Senator from Missouri, (Mr. BENTON), as had not been touched upon by the chairman of the Land Committee; and, as he understood there were gentlemen on both sides of the question who were desirous of being heard, he suggested the propriety of deferring further debate on the bill to Monday. This was, after some conversation, agreed to.

Thanks to the Vice President.

Mr. BENTON introduced the following resolution:

Resolved, That the Senate cordially reciprocate the sentiments of personal kindness expressed by MARTIN VAN BUREN, Vice President of the United States, towards the members of this body, upon taking leave of them; and that the thanks of the Senate be presented to him, in testimony of the impartiality, dignity, and ability, with which he has presided over their deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as President of the Senate.

Mr. B. suggested the propriety of taking up the resolution and acting upon it at this time.

The CHAIR stating that this could only be done by unanimous consent,

Mr. CALHOUN objected.

Mr. BUCHANAN expressed his hope that the resolution would be acted on at once.

Mr. CALHOUN inquired whether it was usual to pass a vote of this kind.

Mr. BENTON quoted several precedents to show that it was; whereupon,

Mr. CALHOUN, observing that it was a mere formality, withdrew his objection; and the question being put, the resolution was agreed to, *nem. con.*

MONDAY, January 30.

American Colonization Society.

Mr. CLAY moved to take up the memorial from the Colonization Society, presented by him on Friday last, expressing the hope that there would be no further debate upon it, and calling for the yeas and nays on the question of taking up; which were ordered.

The question was decided in the negative:

YEAS.—Messrs. Bayard, Clay, Clayton, Davis, Kent, Knight, Morris, Niles, Prentiss, Robbins, Robinson, Southard, Swift, Tallmadge, Tomlinson, Wall—16.

NAYS.—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Dana, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon,

Moore, Nicholas, Norvell, Page, Preston, Rives, Ruggles, Strange, Tipton, Walker, White, Wright—25.

Treasury Circular.

The bill to designate and limit the funds which shall be receivable for the public revenue was taken up as the special order, and

Mr. RIVES addressed the House at length in its support, and in reply to Mr. BENTON. [This speech was not reported.]

Public Lands.

The question being on Mr. BUCHANAN's amendment to this bill, allowing parents to enter small tracts for their children, to be patented when they should come of age—

The amendment of Mr. BUCHANAN was agreed to.

YEAS.—Messrs. Bayard, Brown, Calhoun, Clay, Clayton, Crittenden, Ewing of Illinois, Hendricks, Hubbard, Kent, Knight, Lyon, Nicholas, Norvell, Prentiss, Rives, Robbins, Robinson, Sevier, Southard, Strange, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White—28.

NAYS.—Messrs. Benton, Black, Fulton, Grundy, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Page, Preston, Ruggles, Tipton, Wright—15.

On motion of Mr. WALKER, the bill was further amended, so as to allow no one to enter a tract in his own name until he is 21 years old.

THURSDAY, February 2.

Hon. ALEXANDER MOUTON, Senator elect from the State of Louisiana, vice Mr. PORTER, resigned, was qualified and took his seat.

Copyrights to Foreigners.

Mr. CLAY said that he begged leave to present to the Senate a memorial or address from certain living authors of Great Britain. Among the subscribers to it would be recognized some of the most distinguished names in the literary world—names (said he) with which we have been long familiar, and whose admirable productions have often instructed and delighted us all. They represent that, owing to the want of legal protection in the United States, they are deprived of the benefit here of their literary property; that their works are published without any compensation being made to them for their copyrights; that they are frequently altered and mutilated, so as to affect injuriously their reputations; and that an arrangement which they, or some of them, had made with booksellers in the United States, to secure a fair and just remuneration for their labors, had been defeated by the practice of other American booksellers. They therefore request the passage of a law, by which their right of property may be protected.

I am quite sure, (continued Mr. CLAY) that I need not say one word to commend this address

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to the attentive and friendly consideration of the Senate, and every member of it. Of all classes of our fellow-beings, there is none that has a better right than that of authors and inventors, to the kindness, the sympathy, and the protection of the Government. And surely nothing can be more reasonable than that they should be allowed to enjoy, without interruption for a limited time, the property created by their own genius. Unfortunately, but too often dependent upon that alone, if they are deprived of it, they are bereft of the means of subsistence. The signers of this address may, with more confidence, indulge the hope of the passage of the law which they solicit, from the consideration that, according to the liberality of the British practice, the security of copyright is not restricted to British subjects, but is equally enjoyed by foreigners. And I understand that there are instances of American authors who have availed themselves of it. When we reflect what important parts of the great republic of letters the United States and Great Britain are, and consider their common origin, common language, and similarity of institutions, and of habits of reading, there seems to me to be every motive for reciprocating between the two countries the security of copyrights. Indeed, I do not see any ground of just objection, either in the constitution or sound policy, to the passage of a law tendering to all foreign nations reciprocal security for literary property.

Mr. C. moved that the memorial be printed, and referred to the Committee on the Library.

Mr. PRESTON had no doubt of the general propriety of the direction proposed to be given to the memorial; all subjects of this kind were properly brought before the Library Committee. But the subject was one of some difficulty; there was a large and meritorious class of authors in this country, who had a direct interest in securing to the authors of Great Britain the copyright to their works, because copies of these works were sold without the expense of a copyright, and thus came in free and injurious competition with the works of American authors. But, then, publishers had an opposite interest, to seize upon foreign works without price, and republish them. The consequence was, that the labor of foreign authors was converted to the use of publishers here, who often sent into the market a most despicable article in point of execution, entirely unworthy of the state of the arts in this country. Publishers, therefore, had arrayed themselves against the object of this memorial; and the subject, therefore, resolved itself into a complicated question of free trade and protection of the mechanical arts, with which is numbered the art of printing. On this subject Mr. P. was not now prepared to decide. They had two authors to our one, and were, therefore, more interested in the protection of mental labor; while we published three or four books to their one, and were, therefore, more interested

in protecting publishers. Mr. P. was understood to suggest that the subject ought to go to the Judiciary Committee.

Mr. GRUNDY moved that the memorial be referred to a select committee of five, expressing the desire that he might be excused from serving on such committee.

Mr. CALHOUN was aware that the interest of booksellers in the United States was adverse to the object of this memorial; but he did not suppose that it was of a character or nature such as required its rejection. The works for which copyrights would be secured in this country constituted but a small portion of the entire literature of Great Britain or this country; and of the works of the distinguished names on this memorial, the copyright of a great portion had expired, which was, therefore, subject to free publication; and perhaps it would not be thought proper to revive the right in this country. By several living foreign authors, an attempt had been made to secure their property in this country, by designating the booksellers in the United States by whom alone their works were to be published. The attempt, however, proved impracticable, for other booksellers also published their works without license, so as entirely to deprive them of the benefits of such property in this country. Mr. C. thought the proper committee was that on the Judiciary, though he would not object to a select committee.

Mr. BUCHANAN said when this question came to be considered, it would be a vexed and difficult question. He would not discuss it now, but he saw an interest involved far beyond that of publishers, to whose interest he would pay a smaller regard; and that was the interest of the reading people of the United States. Cheap editions of foreign works were now published and sent all over the country so as to be within the reach of every individual; and the effect of granting copyrights asked for by this memorial would be, that the authors who were anxious to have their works appear in a more expensive form would prevent the issuing of these cheap editions; so that the amount of republications of British works in this country, he thought, would be at once reduced to one-half. But to live in fame was as great a stimulus to authors as pecuniary gain; and the question ought to be considered, whether they would not lose as much of fame by the measure asked for, as they would gain in money. It was especially well worthy of the committee to go beyond publishers, and ascertain what would be the effect on the acquisition of knowledge in this vast country.

Mr. GRUNDY's motion to refer the memorial to a special committee was then carried; and the Chair appointed MESSRS. CLAY, PRESTON, BUCHANAN, WEBSTER, and EWING of Ohio, to compose the committee.

SATURDAY, February 4.

Copyrights to Foreigners.

Mr. CLAY presented a list, on parchment, of additional names of British authors to the address which he had submitted to the Senate the other day. He moved that it be printed with the other names attached to the address, and be referred to the select committee raised on that subject; which was accordingly ordered. He also moved the appointment of an additional member of the select committee; which was ordered.

Mr. C. also presented a petition from sundry American authors, praying amendments in the copyright law. They represent the importance of native literature, and the propriety of extending to it reasonable encouragement. They state that, owing to the fact that booksellers in this country can possess themselves of and publish new works as they issue, from time to time, from the British press, without any charge on account of the copyright, American authors of similar works are unable to obtain for their copyrights a fair compensation.

Mr. C. understood that the course of this business was, that American booksellers have their agents in Great Britain, who, as soon as a new work makes its appearance, transmit it to them by the first packet. Sometimes it is received from the packet at the Narrows, and the vessel being detained there a short time, from some cause or other, by the time she arrives at the wharves the work is published and ready for distribution. This extraordinary despatch is effected by means of steam presses, and the hundreds of hands employed by some of the booksellers. The consequence is, that the work is often slovenly published, on bad paper, with bad types, and omitting maps, diagrams, engravings, and other illustrations. This the first publishers feel themselves constrained to do, lest some rivals shall publish a cheaper edition than that which they have issued. Purchased in this defective form, no one can get the genuine production of the British author without sending abroad for it, as is sometimes done.

Mr. C. understood that the business of republishing in this country late British works was principally confined to two highly respectable houses in New York and Philadelphia, of whom he did not mean to say one word in disparagement. They merely availed themselves of the actual state of things, and undoubtedly placed the American public under obligations for supplying them so rapidly and so cheaply with the latest effusions of the British mind.

If the foreign author is justly secured in his rights of property, the practical consequence will probably be, that he will sell his copyright to some American publisher, the work will be carefully and deliberately printed, without mutilation or abstraction, and will be in a condition worthy of preservation.

Mr. C. moved the reference of the petition to

the select committee heretofore appointed; which was ordered.

Mr. NILES, referring to the memorial from American authors, said they had gone one step beyond what had ever been done. They were not satisfied with obtaining the right to the productions of their own minds; they asked Congress to prohibit, for their benefit, the use of the productions of others. This he opposed.

Mr. PRESTON was not adverse to granting copyrights to foreign authors. He had formerly expressed himself in favor of this grant to foreign authors, which might have been a motive for sending petitions on the subject; and all his inclinations were still decidedly in favor of the proposed measure. He believed, also, that Congress possessed the constitutional power to pass it, and by that part of the constitution which provides for the promotion of knowledge.

We had been in the daily habit, Mr. P. said, of appropriating to our use the productions of minds beyond the Atlantic, without any recompense. We had luxuriated in the works of Sir Walter Scott without any remuneration to him, at the time when he was toiling night and day to pay a debt; when, if he had received from us the thousandth part of the value of his works, the debt would have been paid. Mr. P. had always regarded this as an instance of ingratitude, which of itself induced him very strongly to the support of this measure.

Mr. CLAY, in reply to Mr. NILES, said he was very glad of the benefit of his suggestions, and they would doubtless receive the special attention of the committee. But he thought he would be satisfied that no such mischief was intended as he supposed. The whole object was to put foreign authors on the same footing on which our own authors are in England. He thought the extension of copyrights would not, on the whole, make any addition to the cost of the books.

The reference and printing were ordered.

*Election of President and Vice President—
Mode of counting Votes.*

Mr. GRUNDY, from the select committee appointed to consider and report on the mode of examining and counting the votes for President and Vice President, and whether any votes have been given by persons not competent under the constitution, made a special report thereon; which was read.

The report states that in some instances not more than four or five electors have been chosen in some of the States, who are officers of the General Government, (deputy post-masters,) and that such votes are, in the opinion of the committee, not in conformity with the provisions of the constitution; but at the same time the few votes thus given will not vary the result of the election, as it was not contemplated by any one that the appointment of one ineligible elector would vitiate the vote

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[SENATE.]

of his State. The report concludes with recommending the adoption of the following resolutions:

Resolved, That the two Houses shall assemble in the chamber of the House of Representatives, on Wednesday next, at 12 o'clock, and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States; and, together with a list of votes, be entered on the journals of the two Houses.

Resolved, That in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: "Were the votes of Michigan to be counted, the result would be, for A. B. for President of the United States, ——— votes. If not counted, for A. B. for President of the United States, ——— votes. But in either event A. B. is elected President of the United States." And in the same manner for Vice President.

Mr. NORVELL said that the resolutions were joint resolutions. The first prescribed the usual manner in which the two Houses assembled together on the second Wednesday in February, for the purpose of counting the votes for President and Vice President of the United States. To this, of course, he had no objection. The second resolution, in relation to the votes of Michigan, declared, in substance, that if they were not essential to the election of a President, they should be announced, but need not be received as good. Their reception, then, as sound votes, depended upon a contingency which it was known would not happen. He called for a division of the motion of the Senator from Tennessee, in order that he and his colleague might have an opportunity of recording their votes against the second resolution. Michigan, when the people of that State gave their votes for presidential electors, was a sovereign State, acknowledged to be such by an act of Congress of the United States. She was now, before her electoral votes were to be counted, a sovereign State of this Union, acknowledged to be such by another act of the Congress of the United States. He had, therefore, risen to enter his most solemn protest, in behalf of the people of Michigan, against any decision of this body, or of Congress, which would, even by implication, have the effect of preventing their electoral votes from being counted for President and Vice President of the United States; and upon the motion to adopt the second resolution, he requested that the yeas and nays might be taken.

Mr. GRUNDY observed that the committee were unanimous for reporting the second resolution. The same course had been pursued

with regard to the State of Missouri, and under the like circumstances; and when Senators recollected that this was the very place where the rock lies which may destroy this Government, they would perceive that the committee had good reasons for recommending the resolution objected to. Suppose, said Mr. G., the two Houses should differ and separate, and suppose the House should refuse to send for the Senate again: where will be your President or Vice President? Though he had been one of the most anxious for the admission of Michigan, yet he thought it better, under the circumstances, that her vote should not be counted, except in the way provided for by the second resolution. To count the vote could do no good, inasmuch as it would not vary the result; and it might do harm. No man was more anxious than he was for the admission of Michigan; yet he must express the opinion that she was not a State of this Union when she gave her vote.

Mr. NORVELL said that, if this Union should ever receive a shock, as intimated by the Senator from Tennessee, it would arise from the practice of injustice by this Government towards one or more of the States of the confederacy and not from the right decision of such questions as the one now pending. The reception of the votes of a State entitled to vote for the Chief Magistrate of the nation, by whom she, as well as the other States, was to be governed, could never endanger the Union. The result of the late election, he knew, could not be varied by the votes of Michigan; and less hazard would, therefore, be encountered at this time in properly deciding the question upon receiving the votes of States in similar circumstances with Michigan, than at any other time. The case of Missouri, quoted by the Senator from Tennessee in support of the second resolution, was not, upon this point, a case analogous to that of Michigan. Missouri was a State when her electors were chosen, but she was not a State of the Union when the two Houses of Congress assembled to count the electoral votes for President and Vice President. She was not admitted until some months afterwards; but the State of Indiana did present a precisely analogous case to that of Michigan. Indiana, when her electors were chosen, had formed her constitution and State Government; but she was not admitted into the Union until some time in the succeeding December. She became, however, a member of the Union before the electoral votes were counted. When the two Houses assembled, and, in counting the votes, came to those of Indiana, objection was made to their reception. The two Houses separated. Some discussion arose in both on the subject; but, before the point was directly decided by either, a message was sent by the House of Representatives to the Senate, that they were ready to proceed in the count. When they came together again, the votes of Indiana were counted, and recorded among the

electoral votes of the other States. Such is exactly the situation of Michigan. But he had not risen to provoke debate. His object was simply to protest against the principle of the second resolution reported by the Senator from Tennessee, and to ask for himself and his colleague the poor privilege of recording their names against it. He did not know that they would be sustained by the vote of any other Senator present.

Mr. CLAY said that the committee had followed exactly the course adopted in the case of Missouri; and the Senators from Michigan would see that there was to be no exclusion of their votes, though no use might be made of them. Whether they were counted or not, the result would be the same. Now, when gentlemen reflected for a moment upon the operations of this Government, the difficulties to be settled, the important questions pending, and especially the one as to the election of a Chief Magistrate, they would see at once the necessity of avoiding doing any thing which would have the effect of creating excitement, or throwing any difficulty in the way at this particular juncture, when they were about to decide on so very important a question as would have to be disposed of on Wednesday next.

With regard, then, to what the Senator from Michigan (Mr. NORVELL) had said as to Michigan being similarly situated to Missouri and Indiana, when they were admitted into the Union, and yet they were permitted to vote, he could not agree with him. The case of Michigan was not exactly that of Missouri, nor that of Indiana. The act of Congress passed admitted her on certain conditions, and, having accepted those conditions, she became a State, and performed all her functions as a State, and had given her votes for President and Vice President; and but for the formality of this resolution, which was deemed necessary by the committee, she was put upon precisely the same footing as the States which had been mentioned. Whilst, then, he admitted there was some slight difference between the case of Michigan and that of Missouri and of Indiana, he could not admit that Michigan should vote, except in the manner pointed out in the resolution; for he thought, under all the circumstances connected with this matter, it would be better to take the course recommended by the committee.

Mr. CALHOUN remarked that, notwithstanding what was said by gentlemen to the contrary, during the debate on the admission of Michigan, they would now see that she was a State, *de facto*, at the time she formed her constitution. Now, if they applied the reason of that case to this, what was the result? Michigan was not a State in this Union when her Senators were elected, nor when she voted for President and Vice President. The case was really a clear one, and any reason which would exclude these votes ought to have excluded her Senators from taking their seats on this floor. He did not believe that doubtful

questions of this kind should be waived; and this question should be settled at once. He should, therefore, feel himself bound to vote against the resolution.

Mr. LYON asked what course the committee would have recommended in case the vote of Michigan had varied the result. Would Michigan in such case be deprived of her vote? Mr. L. referred to the vote of Indiana, which, under similar circumstances, had been counted, and contended that Michigan was as much entitled to count her vote as was the State of Indiana. He thought the Senate would not make so unjust a discrimination between the two States as the resolution contemplated, and he would unite with his colleague (Mr. NORVELL) in protesting against it.

Mr. GRUNDY replied that the gentleman could not expect him to answer a question which the wisest of their predecessors had purposely left undetermined. What might be done under the circumstances adverted to by the Senator from Michigan, should they ever occur, the wisdom of the day must decide.

Mr. PRESTON concurred in all the views taken by his colleague in regard to this question.

The first resolution reported by the committee was adopted, without division; and the second was adopted—yeas 34, nays 9, as follows:

YEAS.—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Moore, Nicholas, Page, Prentiss, Rives, Robbins, Robinson, Sevier, Southard, Swift, Tipton, Tomlinson, Wright—34.

NAYS.—Messrs. Calhoun, Fulton, Lyon, Morris, Niles, Norvell, Preston, Walker, Wall—9.

MONDAY, February 6.

Abolition of Slavery in the District of Columbia.

Mr. TIPTON said that he was requested to present to the Senate two memorials, signed by citizens of Carroll and White counties, in the State of Indiana, praying Congress to abolish slavery in the District of Columbia. These petitions, said he, are printed papers, couched in language both decorous and respectful, and signed by citizens of great respectability. I acknowledge, said Mr. T., the right of the people to petition Congress for a redress of their grievances, and I feel it to be my duty, as one of their representatives on the floor of the Senate, to present their petitions, and to ask for them a respectful consideration; but I feel it to be due to the petitioners, to the Senate, and to myself, to state respectfully but firmly, that my reflections on this subject have brought me to a conclusion very different from that which they seem to have arrived at.

I am unable to perceive, sir, whence it is that Congress derives the power to interfere

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[SENATE.]

with slavery in the District of Columbia. Our forefathers, in framing the federal constitution, recognized the existence of slavery in a portion of the States of this confederacy, by permitting slaves to be enumerated in apportioning representatives on the floor of Congress. Every attempt made by citizens of the non-slaveholding States to disturb the rights of our neighbors to this species of property distracts the peace of the country and endangers the existence of the Union.

It is contended that Congress has exclusive legislation over the District of Columbia. If that be granted, it is but a delegated and limited power, not original, derivative. Slavery existed in Virginia, Maryland, and other States, before the federal constitution was adopted; slavery then belonged exclusively to the several States, and there it still remains; their entering into the Union did not yield to the Federal Government any right to interfere with the question of slavery within the States or in this District. The States of Virginia and Maryland ceded to the Federal Government this ten miles square, called the District of Columbia, for a seat of Government, and granted to Congress exclusive legislative powers over it for that purpose. This power was given to Congress by the States for special purposes, and is limited, from the very nature of the grant. Congress cannot abolish the right of trial by jury, abridge the liberty of the press, nor establish a national church, in this District, any more than in any of the States; nor do I believe that Congress has a right to interfere with slavery in the District, while Virginia and Maryland continue to be slave States.

Were it possible that the petitioners could effect their object, and abolish slavery in the District of Columbia, they would erect a receptacle in the midst of two slaveholding States for fanatics, abolitionists, and runaway slaves, who would, from their stronghold here, spread dissatisfaction, death, and destruction, through the surrounding country. Could the States who ceded the District have anticipated such a result, they never would have ceded it to the United States. Mr. T. said he was happy in being able to state to the Senate that there were but thirty-three names signed to these petitions, and that he hoped and believed that there was but a small portion of his constituents in favor of the course that the petitioners recommended; that he thought it was best to meet this question fairly; and, taking the suggestion of an honorable Senator from Virginia, not now here, (Mr. Tyler,) he would move to refer these petitions to the Committee for the District of Columbia. Let that committee give us a report that will present a full and fair view of the subject. This, he thought, would quiet the public mind. This course was adopted some years ago, when Congress was overrun with petitions for stopping the mail on Sunday. The memorials were referred to the appropriate committee, and one able report from the chair-

man of the committee had put that exciting subject to rest, as he hoped, forever.

Mr. CALHOUN expressed the hope that a question would be made on the reception of the petitions. He insisted that, if an objection should be made to the reception of a petition, it was the rule, and for forty years had been the practice of the Senate, to take the vote of reception, without a motion not to receive. He read the rule on this point, which stated that if there was a cry of the House to receive, and no objection should be made, or if the House were silent, the reception would take place of course. Otherwise, a vote must be taken on its reception. Mr. C. said he had in vain insisted on this at the last session. He hoped the Chair would now sustain the rule, before Mr. C. would be compelled to move a non-reception.

[An extended discussion now took place, in which Messrs. Calhoun, Ewing, Tipton, Morris, Swift, Grundy, White, Buchanan, Hubbard, Bayard, Davis, King of Georgia, Southard, Preston, Webster, Cuthbert, Rives, and Wall, took part, when—]

On motion of Mr. HUBBARD, the motion to receive the memorial was laid upon the table.

YEAS.—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Dana, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Lyon, Moore, Nicholas, Norvell, Page, Preston, Rives, Robinson, Ruggles, Sevier, Spence, Strange, Walker, White, Wright—81.

NAYS.—Messrs. Clay, Davis, Ewing of Ohio, Hendricks, Knight, Morris, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, Webster—15.

The Senate then adjourned.

TUESDAY, February 7.

Mexico—Reprisals for Non-Satisfaction of Claims.

The following Message was received from the President of the United States.

To the Senate of the United States:

At the beginning of this session, Congress was informed that our claims upon Mexico, had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon

the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end, I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States, by the Executive, against Mexico, to enforce them, in the event of a refusal, by the Mexican Government, to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, February 6, 1837.

The Message was ordered to be printed with the accompanying documents, and referred to the Committee on Foreign Relations.

Liberation of American Slaves by British Authorities while passing from one United States Port to another.

A resolution offered by Mr. CALHOUN, calling on the President for information in regard to the aggression committed by the authorities of Bermuda on a Southern vessel, freighted with slaves, which was driven by distress into the ports of Bermuda, coming up for consideration—

Mr. CALHOUN observed that the cases referred to in the resolution presented one of the greatest outrages ever committed on the rights of individuals by a civilized power. The resolution proposed to ask from the President copies of any correspondence that may have taken place with the British Government relative to the seizure, by the British authorities, of the slaves who were carried as passengers in two

American vessels. One of these vessels had sailed from Wilmington, in the State of North Carolina, for New Orleans, having on board some slaves, the property of a gentleman removing from that State to the State of Mississippi; and she was wrecked near New Providence, where the slaves were forcibly seized and detained. The Legislature of North Carolina had, in consequence, expressed their disapprobation of such unwarrantable conduct, and unanimously passed resolutions calling upon the General Government to institute an inquiry into the matter. The other case was that of a vessel bound from Alexandria, in the District of Columbia, to Charleston, South Carolina. Having met with very stormy weather, she was forced into the port of Bermuda, where the British authorities took possession of the slaves, and set them at liberty. He insisted that there was not a clearer constitutional question than that a vessel sailing from one part of the United States to another was as free from search as the territory of the United States itself; and when a vessel was forced by stress of weather into a foreign port, she was entitled to commiseration on account of her situation. The claims of humanity, he held, were, in such cases, to be superadded to the laws of nations. These points being so clear, he was astonished that outrages of this kind had been committed for the last three years. He did not doubt, for a moment, but that the Executive had done his duty, and exercised his accustomed vigilance, in reference to these matters. But still he (Mr. C.) was at a loss to perceive how it happened, after such a lapse of time, that the slaves had not been restored, nor any compensation made to the owners. Now, this resolution he had introduced for the purpose of getting information on the subject, and in order that justice might be done to our citizens.

At the suggestion of Mr. GRUNDY,

Mr. CALHOUN modified his resolution, so as to insert in it the words "provided the President does not deem it incompatible with the public interests;" and the resolution, thus amended, was adopted.

Distribution of Books.

The resolution authorizing the distribution, among the new Senators, of nineteen copies of the American State Papers, published by Messrs. Gales & Seaton, coming up for consideration—

Mr. KING, of Georgia, moved to refer it to the Committee on the Library.

Mr. PRESTON objected to the motion. It was a question, he said, of mere distribution; and, if an inquiry beyond that were instituted, it did not properly belong to the Library Committee.

Mr. GRUNDY was opposed to any reference. A committee could do nothing to assist the Senate on the subject.

Mr. LINN suggested the propriety of throwing all such documents into the library. He

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said he was perfectly willing to do so with his; and would make a motion to that effect to-morrow, unless some other Senator would do so.

Mr. SEVIER said that, if this resolution should not be carried, he should vote that the documents in the possession of the older members should be restored.

Mr. RUGGLES said that those could not be recovered which had been carried away, and some of the Senators would be unwilling to restore what they had received. He thought it was best to serve all alike. It had been said that it was stolen property. If it were so, he was disposed, like the Senator from Arkansas, (Mr. SEVIER,) in regard to the public lands, to take his share of the spoils, whatever might be hereafter.

Mr. BENTON suggested two amendments to the resolution: first, to strike all out, and direct the members who had received such documents to restore them; and if that should fail, he would then move that the Secretary should get the documents at the lowest price for which they could be obtained. He would also move hereafter that each Senator should be furnished with the legislative history of the time during which he should remain in Congress.

On motion of Mr. WALKER, the resolution was laid on the table.

WEDNESDAY, February 8.

Counting Votes for President and Vice President of the United States—Election of Vice President by the Senate.

A message was received from the House of Representatives, that the House were ready to proceed to count the votes for President and Vice President of the United States.

The Senate accordingly adjourned to the hall of the House.

The Senate having returned to their chamber, and the President resumed the chair—

On motion of Mr. GRUNDY, a resolution was adopted for the appointment of a joint committee, to wait on MARTIN VAN BUREN, and inform him of his election as President. And Mr. GRUNDY was appointed by the Chair to act on the part of the Senate.

Mr. GRUNDY, then, from the joint committee on the election, reported a preamble and resolution, stating that no election of Vice President of the United States had been made by the college of electors; that Richard M. Johnson, of Kentucky, and Francis Granger, of New York, were the highest on the list of persons voted for; and resolving that the Senate do now proceed to elect one of these gentlemen Vice President of the United States; and that Senators give their votes, *viva voce*, in their places, on the call of the Secretary.

The resolution was agreed to, and the Senate proceeded to vote accordingly, the result of which was as follows:

FOR RICHARD M. JOHNSON.

Mr. Benton, of Mo.	Mr. Fulton, of Ark.
Black, of Miss.	Grundy, of Tenn.
Brown, of N. C.	Hendricks, of In.
Buchanan, of Penn.	Hubbard, of N. H.
Cuthbert, of Ga.	King, of Alabama.
Dana, of Maine.	King, of Georgia.
Ewing, of Illinois.	Linn, of Missouri.
Lyon, of Michigan.	Rives, of Virginia.
McKean, of Penn.	Robinson, of Ill.
Moore, of Alabama.	Ruggles, of Maine.
Morris, of Ohio.	Sevier, of Ark.
Mouton, of La.	Strange, of N. C.
Nicholas, of La.	Tallmadge, of N. Y.
Niles, of Conn.	Tipton, of Indiana.
Norvell, of Mich.	Walker, of Miss.
Page, of N. Hamp.	Wright, of N. Y.
Parker, of Va.	

FOR FRANCIS GRANGER.

Mr. Bayard, of Del.	Mr. Prentiss, of Vt.
Clay, of Kentucky.	Robbins, of R. I.
Clayton, of Del.	Southard, of N. J.
Crittenden, of Ky.	Spence, of Md.
Davis, of Mass.	Swift, of Vermont.
Ewing, of Ohio.	Tomlinson, of Conn.
Kent, of Maryland.	Wall, of N. Jersey.
Knight, of R. I.	Webster, of Mass.

The President of the Senate (Mr. KING, of Alabama) then rose and proclaimed the result of the election, as follows:

The whole number of Senators of the United States is	52
Majority necessary to a choice	27
Quorum required by the constitution	35
Whole number of Senators present	49
For Richard M. Johnson, of Kentucky,	33
For Francis Granger, of New York,	16

From which it appears that RICHARD M. JOHNSON, having the votes of a majority of the whole number of Senators, as required by the Constitution of the United States, is duly elected; and I therefore declare that RICHARD M. JOHNSON, of Kentucky, has been chosen by the Senate, in pursuance of the provisions contained in the constitution, Vice President of the United States for four years, commencing with the 4th day of March, 1837.

On motion of Mr. GRUNDY, a resolution was adopted for the appointment of a joint committee to inform RICHARD M. JOHNSON of his election; and the Chair was authorized to appoint the member thereof on the part of the Senate.

On motion of Mr. WEBSTER,
The Senate then adjourned.

THURSDAY, February 9.

Slavery in the District of Columbia.

Mr. SWIFT presented the petition of inhabitants of the town of Georgia, in the State of

Vermont, praying the abolition of slavery and the slave trade in the District of Columbia.

Mr. S. moved to refer that part of the petition which relates to the slave trade to the Committee for the District of Columbia, remarking that he believed the question on this subject had not been distinctly tried.

Mr. BROWN moved to lay this motion on the table; which was accordingly ordered, by yeas and nays, on the call of Mr. SWIFT, as follows:

YEAS.—Messrs. Bayard, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Lyon, Moore, Nicholas, Norvell, Preston, Robinson, Ruggles, Strange, Tallmadge, Walker, White, Wright—26.

NAYS.—Messrs. Hendricks, Knight, McLean, Niles, Prentiss, Robbins, Southard, Swift, Tipton, Wall, Webster—11.

Cession of the Public Lands.

Mr. CALHOUN introduced as a substantive proposition, and in form of a bill, the amendment he had the day before moved to the land bill; which proposes a cession of the public lands, on certain conditions therein specified, to the States, respectively, in which they lie. It was read once, and, by unanimous consent, received its second reading.

Mr. CALHOUN said that he wished it to be referred to the Committee on Public Lands, or to a select committee, as the Senate might choose.

Mr. ROBINSON moved to refer the bill to a select committee. The Committee on Public Lands were already burdened with business, and he was desirous that the Senator from South Carolina should have an opportunity of presenting his whole views on the subject in the form of a report.

FRIDAY, February 10.

Election of President.

Mr. GRUNDY, from the joint committee appointed to wait on the Hon. MARTIN VAN BUREN, and inform him that he has been elected President of the United States, reported that they had performed the duty assigned to them, and had received for answer that he desired to express the grateful sense that he entertained of the distinguished honor which his fellow-citizens had conferred on him; and requested them to assure their respective Houses that they might rely on his unceasing endeavors to execute the responsible trust which devolved on him, in a manner most conducive to the public interest.

Funds Receivable by the Federal Treasury in Payment for Public Lands, Custom House Duties and other Dues.

The Senate proceeded to the consideration of the bill to designate and limit the kinds of funds receivable for the public revenue.

Mr. HUBBARD moved an amendment to the bill, requiring the registers and receivers to receive the same scrip in payment for the public lands as heretofore.

Mr. CLAY remarked that the bill in its present form left the Treasury order unrescinded, the subject of that order being still wholly in the discretion of the Secretary of the Treasury. He had an amendment therefore to offer, which, if accepted by Mr. HUBBARD as a part of his, and adopted by the Senate, would reconcile him to the bill. This amendment declared that it was not lawful for the Secretary of the Treasury to make any discrimination in the funds so receivable as public revenue.

Mr. HUBBARD accepted this addition to his amendment; which amendment, so amended, was adopted.

The bill was then passed, by the following vote:

YEAS.—Messrs. Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Dana, Davis, Ewing of Illinois, Ewing of Ohio, Fulton, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, McLean, Moore, Nicholas, Niles, Norvell, Page, Parker, Prentiss, Preston, Rives, Robbins, Robinson, Sevier, Southard, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White—41.

NAYS.—Messrs. Benton, Linn, Morris, Ruggles, Wright—5.

SATURDAY, February 11.

Vice President elect.

Mr. GRUNDY, from the joint committee appointed to wait on the honorable RICHARD M. JOHNSON, of Kentucky, and inform him that he had been elected by the Senate to the office of Vice President of the United States, reported that, on Saturday last, they had performed that duty, and had received the following letter, which they were requested to present to the Senate:

To the Senate of the United States:

GENTLEMEN: I have received, with no ordinary emotions, the notice, through your committee, of my election to the office of Vice President of the United States by the Senate. I accept the station assigned me. This token of regard from the representatives of the States will ever be held in grateful recollection. Permit me to tender you my sincere thanks.

Observing that your decision is in harmony with a majority of the States and a moiety of all the electors in the primary colleges, my gratification is heightened, from the conviction that the Senate, in the exercise of their constitutional prerogative, concurred with and confirmed the wishes both of the States and the people. Called, in virtue of this prerogative, to preside in the deliberations of your enlightened body, from and after the 3d of March next, permit me to make use of this opportunity to say that I cannot feel insensible to difficulties which I must anticipate, and the frequent occasion I may have for your forbearance. Though for thirty years a member of one or the other of the two Houses of

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Congress, yet I have never been accustomed to pre-side, even temporarily, over either, or in any deliberative assembly. My attention has generally been engrossed by the more immediate acts of legislation, without special regard to the minuteness of rules and orders, so necessary to the progress of business, and so important for the observance of the presiding officer.

Contemplating the character of my distinguished predecessors, and considering my deficiency in point of talent, and the want of experience for the appropriate duties of the station, it is impossible for me to overcome entirely the diffidence with which I meet this call of my fellow-citizens. But this reflection will always console me, that any errors on my part will effect me personally rather than the public; the intelligence of the Senate will guard the country from any injury that might result from the imperfections of its presiding officer, and its magnanimity will cover these imperfections with the veil of charity. In this conclusion, I find a warrant in contemplating among the members of your body so many friends with whom I have been associated in public life. It is only in the event of an equal division of the Senate that the presiding officer is called upon to give his vote. My hope is, that there may be always sufficient unanimity to prevent such a contingency. If, however, it should happen, this duty will be familiar to me, and I shall perform it without embarrassment. In exercising this power, I shall expect the same indulgence that I have ever extended to others, where differences of opinion existed.

To the Senate, the most important trusts are committed. Its duties are legislative, executive, and, in certain contingencies, judicial. As citizens, every branch of our Government is dear to us; but, from my more immediate relation to this, by your choice, I shall regard it with special interest. It stands pre-eminent in talent and character. In presiding over its deliberations, it shall be my effort to act with perfect respect and impartiality towards every member, and endeavor, by this course of conduct, to merit the approbation of all.

R. M. JOHNSON.

CITY OF WASHINGTON, Feb. 10, 1837.

Cession of the Public Lands.

The bill (Mr. CALHOUN's) to cede the public lands, on certain conditions, to the new States, came up in its order for a second reading.

The constitutionality and expediency of this cession was discussed by MESSRS. CALHOUN, HUBBARD, NORVELL, WEBSTER, SEVIER, WALKER, NILES, ROBINSON, SOUTHARD, TIPTON, and BUCHANAN, when the bill was laid upon the table, by the following vote:

YEAS.—Messrs. Bayard, Brown, Buchanan, Clayton, Crittenden, Dana, Ewing of Ohio, Hubbard, Kent, Knight, Niles, Page, Parker, Prentiss, Rives, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Tomlinson, Wall, Webster, Wright—26.

NAYS.—Messrs. Benton, Black, Calhoun, Ewing of Illinois, Fulton, Grundy, Hendricks, King of Alabama, Linn, Lyon, Moore, Mouton, Nicholas, Norvell, Preston, Robinson, Sevier, Tipton, Walker, White—20.

Fortification Bill.

The Senate then proceeded to take up a bill

making provision for the collection of materials and the purchase of sites for certain fortifications therein designated. [It appropriates about a million and a half of dollars to these objects.]

Mr. CRITTENDEN demanded further information in reference to the necessity of these works, the estimates upon which the appropriations were founded, and the total expense of completing the works for which this bill, appropriating a million and a half of dollars, proposed only to make preparation.

Mr. BENTON, chairman of the Military Committee, who had reported the bill, stated, in reply, that it was identically the same bill which had passed the Senate at the last session. The Senator was, therefore, in possession of full information in regard to it.

Mr. SOUTHARD opposed the bill in most of its features. It was a carrying out of the plan which had been laid down by General Bernard. And though the scheme of defence by fortifications proposed by that celebrated engineer might have been wisely adapted to the state of the country at that period, its condition had since been so greatly changed, by the increase of its population and the augmentation of its power, that many of the features of the plan were no longer necessary, and might advantageously be dispensed with. The improvements which had been made in the means for transportation of the munitions of war rendered it now a comparatively easy thing to concentrate large bodies of the militia at any point that might be threatened by a foe. And thus the necessity of many forts otherwise requisite was superseded. And forts, if not judiciously located, were not only of no valuable service, but, owing to the train of consequences they drew after them, were a positive evil.

The bill being on its passage,

Mr. BENTON demanded the yeas and nays; which were taken, as follows:

YEAS.—Messrs. Benton, Buchanan, Dana, Fulton, Grundy, Hubbard, Kent, King of Alabama, Knight, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Robbins, Ruggles, Sevier, Strange, Tallmadge, Tipton, Tomlinson, Walker, Wall, Wright—26.

NAYS.—Messrs. Black, Calhoun, Clay, Crittenden, Moore, Prentiss, Robinson, Southard, Spence, Swift, Webster, White—12.

MONDAY, February 13.

Trade with Belgium.

Mr. BUCHANAN, from the Committee on Foreign Relations, moved that the Senate consider a bill from the House, respecting the duties on Belgian vessels and their cargoes. The bill having been taken up,

Mr. BUCHANAN briefly explained its object. By the act of 1824, this Government had offered to all nations to receive their products in their own vessels on the same terms as they should receive our products in our vessels. Holland had refused these terms, and imposed

a discriminating duty of ten per cent. in favor of their own vessels. We might, according to the principles of that act, have done the same, as a countervailing measure, in favor of our own navigation; but as, notwithstanding the duty of ten per cent., our own navigation continued to enjoy almost the whole of the trade between Holland and the United States, nothing further was done, and the vessels of Holland were allowed to enter our ports on the same terms with our own. This was before the separation of Belgium from Holland; but after that separation, on the vessels of Belgium presenting themselves for the first time in our ports, a discriminating duty was demanded of them, although none was demanded from Dutch ships. As this seemed a hardship, the present bill has been introduced, in order to put Belgian vessels on the same footing with those of Holland. A proviso, however, was inserted in the bill, empowering the President, whenever circumstances should, in his opinion, render it expedient, to enforce the act of 1824 against both Dutch and Belgian vessels.

Mr. CLAY further explained the case, confirming the statements made by Mr. BUCHANAN, of whom, however, he inquired whether information had been obtained by him as to the present proportion between Dutch and American navigation employed in the trade with Holland, as, in 1835, it appeared that the Dutch were rather gaining upon us.

Mr. BUCHANAN replied that he had not, but would make the inquiry at the Department, and have the facts ready by to-morrow.

The bill was then reported to the Senate, and ordered to its third reading.

WEDNESDAY, February 15.

Trade with Belgium.

The bill respecting the discriminating duties on Dutch and Belgian vessels and their cargoes coming up on its passage—

Mr. BUCHANAN said that, when this bill was before the Senate yesterday, he had promised to ascertain from the Department the comparative state of the Dutch and American tonnage, as employed in the Holland trade during the past year. He had done so; and it appeared from the result that the amount of Dutch tonnage was increasing rapidly on the American. He did not know whether this was owing to the discriminating duty imposed by the Dutch Government in favor of their own vessels in Dutch ports, or not; but if such was the fact, then the provisions of the act of 1824 should be promptly applied by the Executive. Mr. B. then read the following statement: In the year 1834, the amount of American tonnage in this trade was (in round numbers) - - - 17,000 tons.
In 1835, - - - 15,000 "
In 1836, - - - 8,500 "
while the amounts of Dutch tonnage, on the contrary, had proportionably diminished.

In 1834, the Dutch tonnage was	1,651 tons.
In 1835, - - - -	3,058 "
In 1836, - - - -	5,401 "

Mr. CLAY said that, when we saw, for three successive years, a regular diminution of American tonnage, and a regular increase of the competing foreign tonnage, there could be no doubt that both results proceeded from a common cause. The act of 1824 proceeded on the principle of entire and perfect reciprocity. That principle had been departed from by the Government of Holland, while Belgium was in union with Holland. There was much reason to believe that the present relative condition of the navigation of America and of Holland was the result of that departure. Under those circumstances, it seemed that, though the Senate could not well refuse to pass the present bill, which did nothing but put Holland and Belgium on the same footing, the Executive was bound to enforce the provisions of the act of 1824 to both Governments. He trusted this would be done.

Mr. DAVIS, who had not been present when the bill was introduced, was desirous that the bill should lie over for one day, in order that he might have an opportunity to look a little into the returns stating the existing condition of the trade, with a view of judging of the true cause of the present state of things. Possibly this act might be construed as an evidence that this Government was prepared to extend the relaxation of the provisions of the act of 1824, though he was very sure the Senator who introduced the bill had no such intention.

Mr. BUCHANAN concurred in the views expressed by the Senator from Kentucky, and explained that the proviso in this bill had been introduced with an express view to enable the President to apply the provisions of the act of 1824 to both Holland and Belgium.

Mr. CUTHBERT contended that the true standard by which to judge of the existing indulgence to Holland, was not the immediate effect of it on the comparative navigation of the two countries, but its effect as an example and a precedent, which was likely to induce other nations to pursue the same course which had been adopted by the Dutch Government.

The bill was passed.

SATURDAY, February 18.

Mr. BENTON presented the credentials of Hon. LEWIS F. LINN, re-elected a Senator of the United States from the State of Missouri, for six years from and after the 4th of March next.

Papers of Mr. Madison.

On motion of Mr. ROBBINS, the joint resolution authorizing the purchase of the manuscripts of the late President Madison, was taken up and considered.

Mr. ROBBINS said: I consider this work of Mr. Madison, now proposed to be given to the world under the patronage of this Government,

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Papers of Mr. Madison.

[SENATE.]

as the most valuable one to mankind that has appeared since the days when Bacon gave to the world his *Novum Organon*. That produced that revolution in analytics, which has produced the immense superiority of the moderns over the ancients in the knowledge of nature, and in the improvement of the condition of human life—the fruit of that knowledge. With Bacon it was a mere theory; a theory, however, which he fondly cherished, and confidently believed would be prolific, as it has been, of the most magnificent results; but in the hands of Newton, and of his other disciples and followers, it became a practical guide to those astonishing discoveries which, in their consequences, have, among other things, converted those elements of nature before supposed to be, only to be controlled by the same almighty hand which formed them, into the ministers and agents of man, obedient to his will, and subservient to his use. It has enabled man to draw the veil from the face of nature; to inspect her mechanism; and to avail himself of her principles for the augmentation of his own power. It has given him power after power; and is still going on to give him power upon power, as his researches go on in exploring her boundless fields, and in making discovery upon discovery; and to this growing increase of human power, no human being can now assign the possible limits. True, it has not enabled man, as it was fabled of him by the poets of old, to steal the fire from the heavens; but it has enabled him to do more and better—it has enabled him to become an humble pupil in the school of the Divine Artist; and, by studying his models, to copy his agencies, though at the immeasurable distance which separates a finite from the infinite being.

As this *Organon* of Bacon has been the beacon-light to mankind to guide him to the true philosophy, and to the improvement of his physical condition, so will this work of Madison, as I trust and predict, be his beacon-light to guide him to the true science of free government, and to the improvement of his political condition. The science of free government, the most difficult of all the sciences, by far the most difficult, whilst it is the most important to mankind; of all the slowest in growth, the latest in maturity. Not the science which has penetrated the causes and explained to mankind the phenomena of the heavens is so difficult; that has been found of easier and more rapid attainment. Indeed, the difficulties to be overcome in evolving this science are so great, that we are to wonder less at its tardy advances, than at its final success. In the first place, it requires the deepest and most perfect insight into the nature of man: of man not only in his general nature, but as modified by society; which everywhere has superinduced and clothed him with a second nature, denominated habit; and that as diversified as the countries he inhabits. Then it requires that faculty of comprehensive combination, which

is the rarest of all the gifts of God to man, and which, whenever and wherever it appears, seems destined to produce an era in human affairs; a faculty of combining into a whole, where the elements to be combined are so various as to be almost infinite; a whole perfect in relation to all its parts, and its parts perfect in relation to the whole. Besides, the perfect model of the free government is not like the perfect model of any other science. Of every other science, the perfect model anywhere is the perfect model everywhere, and everywhere alike perfect. The perfect watch at Washington, for instance, is the perfect watch at Canton, and so all over the globe; but not so the perfect model of the free government: that, though the principles are the same everywhere, the form varies as the circumstances vary, of the people by whom it is established; to which circumstances it must always be adjusted and made to conform.

Here, with us, the difficulties to be overcome in this achievement, from the nature of the elements to be combined, were stupendously great. In looking back to those difficulties, that they were overcome at all appears to me now little less than a prodigy; and it still fills me with astonishment. For here a combination was required that would produce a structure, perfectly anomalous in the history of human Governments; and such a structure was produced, and as perfect as it was novel. Here were a people, spread and spreading over a vast territory—that stretching and to stretch almost from the rising to the setting sun—this scattered and countless multitude were to be ruled in freedom as one people, and by the popular will—that will to be uncontrolled in itself, and controlling every thing. Such an achievement, the most enlightened friends of freedom and human rights, in all countries and in all ages, had deemed to be morally and physically impossible. Besides, here were thirteen States, and all the other States to be formed out of that vast territory, without being destroyed as States, to be so combined as to form, in the general aspect, but one simple Government; with all the unity and energy of one simple Government; powerful alike to assert and maintain all their rights as a nation, against all other nations; and the rights of every individual, all over this boundless domain, against every aggressor; that is, a Government equally fitted and efficient for all the purposes of peace and war. Such an achievement, often before, and under much more favorable circumstances, because upon a much more limited scale, had been attempted, but never before accomplished; as is but too well attested by the histories and the destinies of all the confederacies that before had ever existed on the earth.

Those confederacies had all proved signal failures as effective Governments, both in war and peace; and entirely for the want of that form of structure and principle of combination

that would reconcile absolute sovereignty in the nation with sovereignty in the States, as parts of one nation—as consistent and harmonious parts of one supreme sovereignty. This principle, unexplored and unknown before, was developed and displayed, most happily so, in the structure of our confederate and national republic.

This work now proposed to be published will unfold to us all the steps of that diversified analysis and discovery which lead to this happy and splendid result.

Those who think (if any think) that the result itself—namely, the constitution—of itself and by itself, will be enough for the instruction of mankind on this subject, are much mistaken. For there is a vast difference between the knowledge which is acquired analytically, and that which is acquired synthetically; the latter is but isolated knowledge; the former is knowledge that is the consequence of other knowledge. Synthesis gives to us a general truth, but acquired in a mode that is barren of other fruit; analysis not only gives to us the same general truth, but puts us on the track of invention and discovery, and is always fertile of other and often of better fruit; synthesis carries us to a fountain-head, but never beyond; but analysis carries us beyond, and to the fountain of that fountain; it places us upon an eminence that overtops and overlooks the general truth in the wide survey it commands and gives to us; and as to that general truth, it enables us not only to comprehend it more perfectly, but to apply it more successfully. This is at once a branch and the great instrument of that primal philosophy of which Bacon speaks, and whose cultivation he so highly recommends—the philosophy of philosophy; the common mother of all the sciences, and by which alone their boundaries can be extended. He compares it to the Berecynthia, whom the poets of old fabled to be the mother of all the gods:

"Omnes creolcolas, omnes supera alta Tenentes."

Of such is the nature, and such will be the fruits to mankind, of the work now proposed to be given to the world.

Further to awaken our sensibility on this subject, I need not remind the Senate how much we owe to a name that is to render the name of this country respectable in every other on this globe; the *clarum et venerabile nomen*. Nations have lived upon the earth who have become extinct, and been lost to the memory of mankind; but never when the *clarum et venerabile nomen* had illustrated their annals. The *clarum et venerabile nomen* is the true elixir of national immortality. What has this country, what can she ever have, that would be an equivalent to her in exchange for the name of her Washington? that star of stars in the diadems that sparkle on the brow of nations? Not the diadem that sparkles on the brow of Greece; not the diadem that sparkles on the brow of Rome, has one of equal brilliancy.

No; it stands peerless on the earth, and alone in glory. Though it can never be a contest whose name is to do the most honor to our country, and, more than all others, to carry her name, associated with his, and emblazoned by his, down through all the endless generations of mankind to follow, for all the endless ages of time to come, yet among the names to cluster around his, and to form the constellation (may it multiply to a galaxy) of American worthies, not one will ever shine with a purer, with a brighter, or more inextinguishable lustre than that of Madison.

If, then, this appropriation was merely to express a nation's gratitude to a nation's benefactor, it would be the least it would become her to make. But, besides that, we are to consider that it is to purchase for this country, and for mankind, a treasure of instruction, whose value no money can measure, no figures can express.

Mr. CALHOUN had listened with pleasure and delight to the venerable gentleman from Rhode Island, (Mr. ROBBINS,) and he coincided in opinion with him, that we were indebted to Mr. Madison, at least as much as to any other man, for the form of government under which we live. Indeed, he might be said to have done more for our institutions than any man now living, or that had gone before him.

A great and efficient aid he was, undoubtedly, in forming the Government. But there was another great act which would immortalize him in the eyes of posterity—the profound and glorious views which he took of our Government in his celebrated Virginia report. In his opinion, that was by far the ablest document that issued from the pen of Mr. Madison—one from which Mr. C. had derived more information, and a profounder insight into our Government, than all the other documents he had perused.

Now, if he understood the object in view, it was in direct opposition to the great and fundamental principles of Mr. Madison himself, an adherence to which he (Mr. C.) solemnly believed, would give durability to the Government under which we were now living.

He wished at some other time (as he was not prepared at this time) to be heard on the subject, when he would endeavor to satisfy the Senate that, in giving our assent to the appropriation asked for, we should not honor the name of Madison. Mr. C. would postpone what he had to say until the third reading of the resolution; and, in the mean time, Senators would have an opportunity of coming to a full understanding of the subject.

The resolution was ordered to be engrossed for a third reading.

The United States and Mexico—Redress to be Demanded.

Mr. BUCHANAN, from the Committee on Foreign Relations, presented the following report:

The Committee on Foreign Relations, to whom

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The United States and Mexico—Redress to be Demanded.

[SENATE.]

was referred the message of the President of the United States of the 6th instant, with the accompanying documents, on the subject of the present state of our relations with Mexico, report :

That they have given to this subject that serious and deliberate consideration which its importance demands, and which any circumstances calculated to interrupt our friendly relations with the Mexican republic would necessarily insure. From the documents submitted to the committee, it appears that, ever since the revolution of 1822, which separated Mexico from Spain, and even for some years before, the United States have had repeated causes of just complaint against the Mexican authorities. From time to time, as these insults and injuries have occurred, demands for satisfaction and redress have been made by our successive public ministers at the city of Mexico ; but almost all these demands have hitherto proved unavailing.

It might have been expected that, after the date of the treaty of amity, commerce, and navigation, concluded between the two republics on the fifth day of April, one thousand eight hundred and thirty-one, these causes of complaint would have ceased to exist. That treaty so clearly defines the rights and the duties of the respective parties, that it seems almost impossible to misunderstand or to mistake them. The committee, notwithstanding, regret to be compelled to state that all the causes of complaint against Mexico, which have been specially noticed in the correspondence referred to them, have occurred since the conclusion of this treaty.

We forbear from entering into any minute detail of our grievances. The enumeration of each individual case, with its attendant circumstances, even if the committee were in possession of sufficient materials to make such a compilation, is rendered unnecessary, from the view which they have taken of the subject. These cases are all referred to in the document No. 81, entitled "Claims on Mexico," in the letter of instructions from Mr. Forsyth to Mr. Ellis, of the 20th of July, 1836, and in the subsequent correspondence between Mr. Ellis and Mr. Monasterio, the acting Mexican Minister of Foreign Affairs.

If the Government of the United States were disposed to exact strict and prompt redress from Mexico, your committee might, with justice, recommend an immediate resort to war, or reprisals. On this subject, however, they give their hearty assent to the following sentiments, contained in the message of the President. He says : "The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, and upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided ; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands."

In affording this opportunity to the Mexican Government, the committee would suggest the propriety of pursuing the form required by the 34th article of

the treaty with Mexico, in all cases to which it may be applicable. This article provides that "if (what, indeed, cannot be expected) any of the articles contained in the present treaty shall be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaint of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

After such a demand, should prompt justice be refused by the Mexican Government, we may appeal to all nations, not only for the equity and moderation with which we shall have acted towards a sister republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war or by reprisals. The subject will then be presented before Congress at the commencement of the next session, in a clear and distinct form, and the committee cannot doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country, and insure ample reparation to our injured fellow-citizens. They leave the mode and manner of making this demand to the President of the United States.

Before concluding their report, the committee deem it necessary to submit a few remarks upon the conduct of Mr. Gorostiza, the late envoy extraordinary and minister plenipotentiary of the Mexican republic to the United States. In regard to that functionary, they concur fully in opinion with Mr. Forsyth, that he was under the influence of prejudices which distorted and discolored every object which he saw, whilst in this country. On the 15th of October, 1836, he terminated his mission by demanding his passports. And for what reason? Because the President refused to recall the orders which he had issued to the general commanding the forces of the United States in the vicinity of Texas, directing him to pass the frontier, should it be found a necessary measure of self-defence ; but prohibiting him from pursuing this course unless the Indians were actually engaged in hostilities against the citizens of the United States, or he had undoubted evidence that such hostilities were intended, and were actually preparing within the Mexican territory.

A civil war was then raging in Texas. The Texian troops occupied positions between the forces of Mexico and the warlike and restless tribes of Indians along the frontiers of the United States. It was manifest that Mexico could not possibly restrain by force these tribes within her limits from hostile incursions upon the inhabitants of the United States, as she had engaged to do by the 33d article of the treaty. No matter how strong may have been her inclination, the ability was entirely wanting. Under such circumstances, what became the duty of the President of the United States? If he entertained reasonable apprehensions that these savages meditated an attack from the Mexican territory against the defenceless citizens along our frontier, was he obliged to order our troops to stand upon the line, and wait until the Indians, who know no rule of warfare but indiscriminate carnage and plunder, should actually invade our territory? To state the proposition is to answer the question. Under such circumstances, our forces had a right, both by the law of

nations and the great and universal law of self-defence, to take a position in advance of our frontier, in the country inhabited by these savages, for the purpose of preventing and restraining their incursions.

The Sabine is so distant from Washington that it became absolutely necessary to intrust this discretionary power to the commanding general. If the President had not issued such orders in advance, all the evils might have been inflicted before the remedy could have been applied; and in that event he would have been justly responsible for the murders and devastation which might have been committed by the Mexican Indians on citizens of the United States.

When these discretionary orders were issued to General Gaines, they were immediately communicated to Mr. Gorostiza, in the most frank and friendly spirit. The fullest explanations of the whole proceeding were made to him, and he was over and over again assured that this occupation of the Mexican territory, should it become necessary, would be of a limited, temporary, and purely defensive character, and should continue no longer than the danger existed; that the President solemnly disclaimed any intention of occupying the territory beyond the Sabine, with the view of taking possession of it as belonging to the United States; and that this military movement should produce no effect whatever upon the boundary question.

The committee believe that Mr. Gorostiza ought to have been satisfied with these explanations. But they failed to produce any effect upon his mind. Without instructions from his Government, he retired from his mission upon his own responsibility. This was not all. Before he left the United States he published a pamphlet, containing a portion of his correspondence with our Government and with his own, from which latter it appears that, whilst engaged upon the business of his special mission here, he was making charges of bad faith against the United States to the Mexican Secretary of Foreign Relations. The committee will not enlarge upon the glaring impropriety of such conduct. The publication of such a pamphlet, by a foreign minister, in the country to which he has been accredited, before taking his departure, can be considered in no other light than as an appeal to the people against the acts of their own Government. It was a gross violation of that diplomatic courtesy which ought ever to be observed between independent nations, and deserves the severest condemnation. This act was still more extraordinary when we consider that it almost immediately followed the note of Mr. Dickens to him, of the 20th of October, 1836, assuring him that the President would instruct Mr. Ellis to make such explanations to the Mexican Government, of the conduct of that of the United States, as he believed would be satisfactory.

The committee regret to learn, from the note of Mr. Ellis to Mr. Forsyth, of the 9th of December last, that the Mexican Government has publicly approved of the conduct of its minister whilst in the United States. They trust that a returning sense of justice may induce it to reconsider this determination. They are willing to believe that it never could have been made, had that Government previously received the promised explanation of the President, contained in the letter of Mr. Forsyth to Mr. Ellis of the 10th December, 1836, which, unfortunately, did not reach Mexico until after the latter had taken his

departure. This letter, with the President's message at the commencement of the present session of Congress, cannot fail to convince the Mexican Government how much they have been misled by the representations of their minister.

After a full consideration of all the circumstances, the committee recommended the adoption of the following resolution:

Resolved, That the Senate concur in opinion with the President of the United States, that another demand ought to be made for the redress of our grievances from the Mexican Government, the mode and manner of which, under the 34th article of the treaty, so far as it may be applicable, are properly confided to his discretion. They cannot doubt, from the justice of our claims, that this demand will result in speedy redress; but should they be disappointed in this reasonable expectation, a state of things will then have occurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation and the rights of our injured fellow-citizens.

Ordered, That 2,000 extra copies of the above report be printed.

And then the Senate adjourned.

MONDAY, February 20.

Copyright Laws.

Among the memorials presented to-day was one by Mr. CLAY from a very large number of persons, who stated themselves to be American authors and friends of literature, calling the attention of Congress to the subject of copyright laws, and expressing an anxious wish that those laws might be so modified as to extend their benefits to foreign authors. Mr. C. further remarked that the evidences in favor of the measure of granting copyrights to foreign authors were so strong as not to leave a doubt on any mind of its favorable reception by the country. Under these circumstances, he said he should call up the bill granting such rights as soon as convenient. The memorial was laid on the table, and ordered to be printed.

Papers of Mr. Madison.

The Senate proceeded to the consideration (on its third reading) of the following joint resolution:

Resolved, &c., That the Joint Committee on the Library be, and they are hereby, authorized and empowered to contract for and purchase, at the sum of thirty thousand dollars, the manuscripts of the late Mr. Madison, referred to in a letter from Mrs. Madison to the President of the United States, dated the fifteenth of November, eighteen hundred and thirty-six, and communicated in his message of the sixth of December, eighteen hundred and thirty-six, conceding to Mrs. Madison the right to use copies of the said manuscript in foreign countries as she may think fit."

[A debate took place on this resolution, wholly turning on the constitutionality of the purchase, in which debate Messrs. Calhoun, Preston, Webster, Crittenden, Rives, and Clay, took part.]

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Land Laws and Decisions.

[SENATE.]

The question on the passage of the resolution was decided by the following vote :

YEAS.—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Fulton, Grundy, Hendricks, Kent, Linn, Lyon, McLean, Mouton, Norvell, Parker, Preston, Rives, Robbins, Robinson, Southard, Spence, Strange, Tallmadge, Walker, Wall, Webster, White, Wright—32.

NAYS.—Messrs. Calhoun, Davis, Hubbard, King of Alabama, Knight, Moore, Morris, Nicholas, Niles, Page, Prentiss, Ruggles, Swift, Tipton—14.

So the resolution was passed.

TUESDAY, February 21.

Mr. HUBBARD presented the credentials of the Hon. FRANKLIN PIERCE, elected United States Senator from New Hampshire, for six years from the 3d of March next.

THURSDAY, February 23.

Reduction of the Tariff.

The Senate resumed the consideration of the bill to reduce the duties on certain imports; and the question being on the motion of Mr. DAVIS to strike from the bill the article of common salt, the effect of which is to retain the protecting duty now levied on that article,

After a long and general debate, the question was taken to strike out from the bill the article of salt, and decided in the negative by the following vote :

YEAS.—Messrs. Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, McLean, Nicholas, Robbins, Robinson, Southard, Webster—15.

NAYS.—Messrs. Bayard, Benton, Brown, Cuthbert, Ewing of Illinois, Fulton, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Moore, Mouton, Niles, Norvell, Page, Parker, Prentiss, Rives, Ruggles, Sevier, Strange, Swift, Tallmadge, Tipton, Walker, White, Wright—28.

Other proposed amendments were afterwards rejected or adopted.

The amendment proposed by Mr. NILES for a gradual reduction of the duty on foreign coal, coal screenings, and coke, was decided in the negative,

YEAS.—Messrs. Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Lyon, Niles, Page, Rives, Ruggles, Sevier, Strange, Tipton, Walker—15.

NAYS.—Messrs. Bayard, Benton, Buchanan, Crittenden, Davis, Kent, Knight, Linn, McLean, Nicholas, Norvell, Parker, Prentiss, Robinson, Southard, Tallmadge, Wall, Webster, White, Wright—20.

The bill was reported to the Senate, and all the amendments agreed to, with the exception of the following :

1. Duty on China and porcelain, earthen and stone ware.

Mr. WRIGHT suggested that, as the Senate

was now very thin, although it might happen that a different vote would be obtained from what had been given in committee when the Senate was full, yet it would be better to adhere to the former vote, to avoid a reconsideration or other difficulty when the seats should be full again to-morrow.

To this it was replied, that one Senator (Mr. KNIGHT) had avowedly changed his vote, and another was present now who had not been in committee.

The question on concurring with the Committee of the Whole in the amendment which struck out these articles from the bill (thereby retaining the protecting duty upon them) was decided,

YEAS.—Messrs. Bayard, Buchanan, Crittenden, Davis, Hendricks, Kent, Linn, Nicholas, Robbins, Robinson, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—18.

NAYS.—Messrs. Benton, Brown, Cuthbert, Fulton, Hubbard, King of Alabama, King of Georgia, Knight, Lyon, Morris, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Walker—19.

So China and earthenware were retained in the bill, as free of duty.

2. Blankets chiefly used among the Indians.

On this Mr. DAVIS demanded the yeas and nays. He objected to the amendment, as injurious to the interests of several manufactories of blankets established within the United States.

Mr. BENTON, Mr. LINN, and Mr. NORVELL explained the great difference between Indian blankets and those of a domestic manufacture, and the very decided preference which the Indians expressed for the one over the other, and which precluded all competition from our factories, with what were usually known among them as Mackinac blankets. They were thick, finely woven, and of the finest wool, and impervious to the rain.

The amendment was concurred in by the Senate—yeas 23, nays 14.

SATURDAY, February 25.

Mr. TALLMADGE presented the credentials of the Hon. SILAS WRIGHT, re-elected a Senator of the United States, from the State of New York, for six years from and after the 3d of March next.

Land Laws and Decisions.

The following resolutions were offered by Mr. WEBSTER :

Resolved, That the Secretary of the Treasury cause to be prepared a collection of the instructions which have been issued from time to time, either by the Secretary of the Treasury or the Commissioner of the Land Office, excepting only such as refer exclusively, both in principle and application, to particular or individual cases, together with the official opinions of the Attorney-General on questions arising under the land laws.

Resolved, That the Secretary of the Senate cause

the general public acts of Congress respecting the sale and disposition of the public lands, together with the instructions and opinions mentioned in the foregoing resolution, to be printed for the use of the Senate.

In offering these resolutions, Mr. WEBSTER said it was his object that the general acts, the instructions given under them, and the official opinions of the Attorney-General on questions arising in the administration of these laws, should be collected and published, and made available to all. These instructions and opinions are in manuscript. They are only known at the Land Office, and may govern questions arising there without any means, on the part of those interested, to possess themselves fully of their character and contents. The laws, although contained in the two volumes commonly called the volumes of the Land Laws, were yet mixed up with such a mass of treaties, ordinances, and private acts, that it is not always easy to bring them together, or to get a connected view of their provisions.

The subject was getting to be very important. Interfering claims were constantly arising, especially under preëmption acts; and it was understood that an appeal, in these cases, lay to the Commissioner or to the Secretary of the Treasury. The Land Office was thus becoming an important judicature; and it was essential that its course and its rules of proceeding should be known. Interesting rights were decided by it, and it became Congress to look into its proceedings, and to see that the laws were openly, fairly, and ably executed. The first step to reach this end was to make public, in some accessible form, the instructions and opinions under which the land officers acted. Any further provisions to insure a proper administration could then be adopted, which Congress should judge necessary, if, indeed, any should be thought necessary.

The resolutions were agreed to.

MONDAY, February 27.

United States and Mexico.

Mr. BUCHANAN moved to take up the report of the Committee on Foreign Relations on the subject of our relations with Mexico.

Mr. PRESTON moved to postpone the resolution, for the purpose of taking up the resolution on the subject of the acknowledgment of the independence of Texas; which motion was negative—yeas 9, nays not counted.

Mr. CLAY supposed the only question which would be presented to the Senate would be upon the resolution. He had risen merely to say that he concurred with the other gentlemen who composed the committee, upon the subject under consideration. He agreed with the rest of his colleagues, that the controversy with Mexico had made out no case justifying a resort to war or for the issuing of reprisals; and he thought that renewed efforts should be made

to obtain redress, before it should become necessary to declare war against Mexico to vindicate the honor and interests of the country. He felt himself bound to say, that whilst he concurred with the committee, which he believed was unanimous in adopting the resolution, he did not agree entirely with the body of the report. He thought the case was made out rather stronger against Mexico than the correspondence of the Government with that country justified. And he must say, in all candor and truth, that the departure of our representative from Mexico, under the circumstances, was harsh, abrupt, and unnecessary. A long letter had been addressed, in pursuance of instructions from the Department of State, by the American chargé d'affaires, to the Secretary for Foreign Affairs in Mexico, and which bore date some time in December last, and embraced a great variety of claims in respect to which information was to be procured, and procured, too, from remote parts of Mexico. Some delay, in consequence, took place, on the part of the Mexican minister, in sending his reply to our chargé d'affaires. When we came to examine the reply with candor and fairness, in respect to which some of our claims were admitted, and concerning others more information was required, the Senate would think, he presumed, that there had been more precipitation than was necessary, on the part of our minister. Well, it was in this state of things that he shortly after demanded his passports and came home.

Now, he (Mr. C.) thought that such were the circumstances then existing, that our chargé might have awaited further instructions; and, if he had delayed his departure, the Mexican Government would probably have been able to furnish him with further information. He would have heard what they thought of the letter from our Secretary of State, relative to the final disposition of our Government in regard to the occupation of the Mexican territory near the Sabine, and which had occasioned so much unpleasantness. While up, Mr. C. would take the opportunity of saying that he did not concur in all the reasonings of the committee as to the publication of a pamphlet by Mr. Gorostiza, the Mexican envoy extraordinary. He, (Mr. C.,) however, would say that it was a great diplomatic irregularity; but he did not think it made out a case for war, or for any serious disturbance. It was not an unusual case. He recollected an instance which occurred while the American commissioners were at Ghent, in 1814, at a most critical state of the negotiation—when it hung, as it were, on a balance, and when it was extremely doubtful whether there would not be a rupture. Mr. C. here related that while he was at Ghent, treating with Lord Gambier and the other British commissioners, a publication from the United States, containing the correspondence between the Governments of the United States and Great Britain, found its way there. Lord Gam-

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United States and Mexico.

[SENATE.]

bier, having seen it, expressed his surprise to Mr. C. that his Government should have given publicity to this correspondence, and said he could not see how they could justify the act. The other commissioners were equally displeased at the occurrence. Mr. C. then explained to them that the course which had been adopted was one growing out of the peculiar structure of this Government, and which the people here demanded of their servants. He (Mr. C.) mentioned this to show that what Mr. Gorostiza had done was a thing not unexampled. It would be recollected that but the other day, Mr. Pageot, just before embarking for France from New York, published the letter of the Duc de Broglie. Mr. Pageot had since returned to this country, and been received frankly, and without any intimation of dissatisfaction on the part of our Government. And he (Mr. C.) had no more doubt of the fact than of his standing on that floor at that moment, that there had been information conveyed through some channel, official or unofficial, to France that Mr. Pageot's return to the United States would be welcomed, without any displeasure being shown towards him in regard to his having published the letter of the Duc de Broglie; otherwise, the French Government would not have sent him to this country. Had Mr. Gorostiza not known the fact of this publication, he probably would not have pursued the example set him.

Mr. C. admitted that Mr. Gorostiza's conduct, in publishing the pamphlet he did, was decidedly wrong, and highly reprehensible; but, as he before said, it was not, in his opinion, an offence justifying war. The pamphlet had produced an impression, and had done no mischief; and he thought the Secretary of State had acted highly wrong to make it a subject of communication to the Mexican Government. Whilst, however, Mr. C. disagreed with the committee as to some parts of the report, he concurred entirely with them in regard to the resolution, and hoped it would obtain the unanimous consent of the Senate.

Mr. BUCHANAN said he had but a few remarks to make upon this subject, in addition to those contained in the report of the Committee on Foreign Relations. He felt gratified that the Senator from Kentucky had concurred with the other members of the committee in a large portion of their report, and that he would sustain the resolution with which it concluded. The justice of the Senator's remarks in regard to the withdrawal of Mr. Ellis from Mexico would be palpable, if no demand had ever been made upon the Mexican Government for the redress of our grievances previous to his letter of September, 1836, to Mr. Monasterio. But the case was far different. This demand was not then made for the first time. On the contrary, year after year, time after time, whenever we sustained injuries, we had asked for redress; but our reclamations, in almost every instance, had been evaded, and redress had

been withheld. Mr. Ellis's letter of the 26th September was, therefore, but a mere summing up of our causes of complaint—an enumeration of demands which had been previously made against the Mexican Government. That Government ought to have been prepared to yield us prompt redress, or at least to have expressed their willingness to do so, as soon as they possibly could. He thought Mr. Ellis, in withdrawing from Mexico, had obeyed his instructions, both in the spirit and in the letter. His opinion upon this point was very decided. He should not have said another word upon the subject, but for a commentary on the report of the Committee on Foreign Relations, which had appeared in a morning paper. This article proceeded from a source which seemed to render a passing notice of it necessary.

The President, in his message, after expressing his opinion of the aggravated wrongs which we had suffered from Mexico, in which the committee entirely concurred, recommended that an act should be passed authorizing reprisals, if, after making another demand, the Mexican Government should refuse to come to an amicable adjustment of the matters in controversy. He expressed his entire willingness, however, to co-operate with Congress in any other course which should be deemed honorable and proper. Under any circumstances, it was a matter of extreme delicacy for Congress to confer upon the Executive the power of making reprisals, upon a future contingency. He would not say that cases might not occur which would justify such a proceeding. These, if they should ever happen, would establish a rule for themselves. Unless an immediate and overruling necessity existed, which could brook no delay, it was always safer and more constitutional to take the opinion of Congress upon events after they had happened, than to intrust a power so important to the President alone.

The committee, under all the circumstances, did not believe that our existing relations with Mexico presented such a case. They knew that General Santa Anna, whose life had been justly forfeited, but which had been restored to him by the magnanimity of the Government of Texas, had recently arrived at Washington; that he had been sent home in a Government vessel of the United States; and that there was every reason to believe his arrival would be hailed by the Mexicans with joy, and that he would shortly be restored to the presidency of the Republic. Under such circumstances, it was but reasonable to hope that he would feel disposed to render to this country the justice which was our due; and that, therefore, it was neither expedient nor necessary, at the present moment, to authorize any decisive measure of a hostile character.

Again: The committee were unanimously of opinion that the 34th article of our treaty with Mexico required that a demand should be made, under its provisions, before resorting either to war or to reprisals. This article was one

of a peculiar nature. It might have been impolitic to agree to it at first; but it was now a part of our treaty, and its requisitions must be held sacred. Here Mr. B. read from the article, as follows: "Thirdly. If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

This language was too plain to be misunderstood. It was true that it did not extend to direct insults to the national honor—such as violations of our flag, or opprobrious and injurious conduct towards our consuls. But the committee were very clear and unanimous in their opinion, that when pecuniary damages were sought by our citizens, for pecuniary injuries sustained, in violation of any article of the treaty, before we could redress those injuries by reprisals, a previous demand must be made, in pursuance of its provisions. On this point, there could scarcely be two opinions.

The treaty required something more than a mere presentation of the complaints of individuals to the Mexican Government, through the agency of our minister to Mexico. Our Government must be the judge, in the first instance, of the injuries requiring redress. We must decide this question ourselves. We are then bound to present a statement of such injuries and damages to the Mexican Government, verified by competent proofs. That such a demand under the treaty had never been made hitherto, must be apparent to all those who have read the correspondence. Throughout the whole of it, this article does not seem to have attracted any attention. That it was not within the contemplation of Mr. Forsyth, when he addressed the letter of instructions to Mr. Ellis of the 20th of July last, will appear conclusively from that letter itself. After enumerating our causes of complaint against the Mexican Government, he says: "Though the Department is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded."

The committee believed that it would require several months to enable the Department of State to collect the necessary proofs for the purpose of verifying each of the private claims of our citizens, and to make the demand according to the treaty. All the necessary forms can probably not be complied with until

within two or three months of the meeting of the next Congress. They therefore thought it much better to wait this brief space, and refer the whole question to Congress, than to authorize the President immediately to issue letters of marque and reprisal, in case the answer of the Mexican Government should not prove satisfactory. After this demand shall have been made, and the answer of the Mexican Government received, the whole case will then be before Congress in a clear and distinct form. If that Government should refuse to do us justice, he could not doubt but that Congress would adopt prompt measures for vindicating the honor of the American flag and asserting the just rights of our injured fellow-citizens.

He should have been willing to use stronger language in the resolution appended to the report, but he believed it was now presented in the best form. Whilst negotiations continued, it was not politic to use the language of menace. Still he thought, from the report and the resolution, taken together, the Mexican Government could not fail to perceive the determination of that of the United States to enforce, in the most prompt and energetic manner, the redress of all our grievances.

When Mr. BUCHANAN concluded, the question was taken on agreeing to the resolution reported by the Committee on Foreign Relations, and decided as follows:

YEAS.—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Fulton, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Page, Parker, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Spence, Strange, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster White, Wright—46.

So it was

Resolved, unanimously, That the Senate concur in opinion with the President of the United States, that another demand ought to be made for the redress of our grievances from the Mexican Government, the mode and manner of which, under the 34th article of the treaty, so far as it may be applicable, are properly confided to his discretion. They cannot doubt, from the justice of our claims, that this demand will result in speedy redress; but should they be disappointed in this reasonable expectation, a state of things will then have occurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation and the rights of our injured fellow-citizens.

Texas Independence.

Mr. WALKER moved the consideration of his resolution for the recognition of the independence of Texas.

Mr. HUBBARD moved to postpone its consideration to Friday; and a desultory conversation took place upon the motion, which was finally modified by inserting Wednesday next, and carried, by yeas and nays, as follows:

YEAS.—Messrs. Bayard, Brown, Buchanan, Clayton,

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The Distribution Question.

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Davis, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Lyon, Morris, Niles, Page, Prentiss, Robinson, Ruggles, Sevier, Swift, Tallmadge, Tip-ton, Tomlinson, Wall, Webster, Wright—25.

YAYS.—Messrs. Benton, Black, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Illinois, Fulton, Hendricks, Linn, Mouton, Nicholas, Norvell, Parker, Preston, Rives, Robinson, Spence, Strange, Walker, White—21.

The Senate then broke up, to meet again at half-past four

EVENING SESSION.

The Senate met, and proceeded to consider the bill to remunerate Captain Francis Allyn for conveying General Lafayette to the United States, in 1824.

This bill proposed to allow \$4,000 to the captain and owners of the ship *Cadmus*, for bringing over General Lafayette to this country. The captain relinquished his place in the *Havre* line, and procured a ship on his own responsibility, and was at expenses in going to Paris, &c.

The bill was warmly opposed, as opprobrious in its character; it was making a commodity of the honor of having tendered to the General his passage. The owners had had loud praises at the time for their liberality, yet now came to Congress for pay.

It was contended, on the other hand, that this captain had been at large private expenses, for which he ought to be remunerated. It did not appear that the owners had ever requested any thing of the kind.

Mr. BUCHANAN moved to lay the bill on the table, and called for the yeas and nays; which were taken, and stood—yeas 22, nays 18.

So the bill was laid on the table, but afterwards reconsidered; and, after amendment, was agreed to, and ordered to be engrossed for a third reading.

TUESDAY, February 28.

Inauguration of President of the United States.

The PRESIDENT *pro. tem.* presented a letter from the President elect of the United States, informing the Senate that he would be ready to take the usual oath of office on Saturday, March 4, at 12 o'clock, noon, at such place and in such manner as the Senate might designate.

Mr. GRUNDY offered a resolution for the appointment of a committee of arrangements, to make the requisite preparations for administering the oath to the President elect of the United States.

Mr. CLAY said he would like to inquire whether precedents had been examined on this subject. He was aware that the Senate had always had a peculiar agency in this business; but he was not aware why the Senate should act upon it any more than the House, or why it was not a joint concern. He remembered that, on the first election of Mr. Monroe, the committee of the Senate applied to

him, as Speaker of the House, for the use of the chamber of the House; and he had told them that he would put the chamber in order for the use of the Senate, but the control of it he did not feel authorized to surrender. They wished also to bring in the fine red chairs of the Senate, but he told them it could not be done; the plain democratic chairs of the House were more becoming. The consequence was, that Mr. Monroe, instead of taking the oath within doors, took it outside, in the open air, in front of the Capitol. Mr. C. mentioned this for the purpose of making the inquiry, what was the practice, and on what it was founded, and why the Senate had the exclusive care of administering the oath.

Mr. GRUNDY said the committee had found no authority but several precedents, which were in strict accordance with the proposition now proposed to be made. He did not recollect any instance in which the House had participated in it; and, in fact, the House, as such, had no existence, their term having expired on the preceding day. The committee had examined three cases of more modern date, and had found nothing in opposition to the practice proposed. If the committee could not get into the House, they could go out of doors.

The resolution was adopted, and the Chair was authorized to appoint the above-named committee of three members.

The Distribution Question.

The Senate proceeded to the consideration of the fortification bill; and the question being on the amendment reported by the Committee on Finance, viz: to strike out the second section of the bill, which contains the provision for the distribution among the States of any surplus which may remain in the Treasury on the 1st of January, 1838—[Mr. Calhoun's plan—]

Mr. CALHOUN regretted that the committee had not made a written report on so important a recommendation.

Mr. WRIGHT explained that the second section of the bill being neither more nor less than the bill formerly introduced by the Senator from South Carolina himself, the case was fully understood by all the Senate, and needed no consumption of time to explain it. As to a written report, there had been no time to prepare one, even had the committee deemed it necessary.

Mr. CALHOUN reminded the Senate of the triumphant majority by which the deposit bill had been adopted at the last session; and as there had occurred nothing since then to change the principle of the measure in any respect, he was content to rest the present question on the principles then so unanswerably established, and the discussion by which they had been defended at the last session.

Mr. CLAY inquired whether it was the intention of the chairman of the Finance Committee and those with whom he acted, that if

a surplus arose it was to be left in the hands of the deposit banks, where it drew an interest of two per cent., while in the hands of the States it would yield six. He was anxious to know what was to be the policy of the administration in regard to this matter.

[Mr. WRIGHT interposed, to say that its policy would be to have no surplus.]

(A debate now took place on the general character of the measure involved in the section, and as being a distribution under the name of a deposit, which continued till the evening recess.)

The Senate took a recess.

EVENING SESSION.

Distribution Question—Deposit with the States.

The Senate resumed the consideration of the bill from the House, making appropriations for fortifications, &c., for the year 1837, the question being on a motion to strike out the section of the bill which provided for a deposit of the surplus revenue, on the 1st of January next, with the several States.

The question was taken on the motion.

YEAS.—Messrs. Benton, Black, Brown, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, Wright—26.

NAYS.—Messrs. Bayard, Calhoun, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tomlinson, Webster, White—19.

So the motion to strike out the provision for the distribution among the States of the surplus revenue on the 1st of January next, was decided in the affirmative.

And, thus amended, the bill was ordered to a third reading.

WEDNESDAY, March 1.

Texas Independence.

Mr. WALKER called up his resolution for the recognition of the independence of Texas, on which a debate of much interest arose. Mr. W. advocated his resolution by a speech of much earnestness, in which he pressed the claims of Texas for recognition with much devoted ardor.

He was followed by Mr. PRESTON, on the same side, who went into an extensive review of the history of Mexico, from the period of her recognition by our own Government to the present time, whence he deduced the argument that she never had, in fact, exercised control over Texas, and was in no condition to now enforce her claims of sovereignty. He then went into a similar review of the history of Texas, past and present, and argued to show that she was fully capable of performing the duties and sustaining the responsibilities, both domestic and foreign, which belong to an independent Government.

The original resolution, as offered by Mr. WALKER, was as follows:

"Resolved, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent Governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States."

The question on agreeing to this resolution was decided as follows:

YEAS.—Messrs. Bayard, Benton, Black, Calhoun, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hendricks, Linn, Moore, Mouton, Niles, Parker, Preston, Rives, Robinson, Ruggles, Sevier, Spence, Strange, Walker, White—23.

NAYS.—Messrs. Brown, Buchanan, Clayton, Davis, Hubbard, King of Alabama, King of Georgia, Knight, Morris, Nicholas, Norvell, Page, Prentiss, Swift, Tallmadge, Tipton, Tomlinson, Wall, Wright—19.

So the resolution was agreed to.

The announcement of this vote called forth some applause from the gallery, which was promptly checked by the Chair.

THURSDAY, March 2.

Liberation of American Slaves by British Authorities—Brigs Encomium, Enterprise, and Comet.

Mr. CALHOUN said that it would be remembered that on his motion a resolution was adopted, requesting the President to communicate to the Senate the correspondence between this Government and that of Great Britain, in relation to the case of the brigs Encomium and Enterprise. He held in his hand the Message of the President in answer to the resolution, from which he found that there was another case (that of the Comet) of a similar character, of which he was not aware when he made his motion, and which occurred as far back as 1832. He had read with care the correspondence, but, he must say, with very little satisfaction. It was all on one side. Our Executive has been knocking, (no, that is too strong a term,) tapping gently at the door of the British Secretary, to obtain justice, for these five years, without receiving an answer, and this in the plainest case imaginable. It was not his intention to censure those who had been intrusted with the correspondence on our part. They had written enough, and more than enough; but truth compelled him to say the tone was not high enough, considering the injustice to our citizens, and the outrage on the flag and honor of the Union. His remarks were intended more especially for the latter part of the correspondence, after the long delay without an answer from the British Government. At first,

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Liberation of American Slaves by British Authorities.

[SENATE.]

in so plain a case, little more could be thought necessary than a plain statement of the facts, which was given in a very clear and satisfactory manner in the letter of the President elect in the case of the *Comet*.

Without repeating what he said on the introduction of the resolution, he would remind the Senate of the facts of the case in the briefest manner possible.

The three brigs were engaged in the coasting trade, and, among other passengers, had slaves on board, belonging to our citizens, who were sending them to the South-western States, with a view to settlement. The *Enterprise* was forced, by stress of weather, into Port Hamilton, Bermuda, where the slaves on board were forcibly seized and detained by the local authorities. The other two were wrecked on the Keys belonging to the Bahama islands, and the passengers and crew taken by wreckers, contrary to their wishes, into Nassau, New Providence, where the slaves shared the same fate as at Bermuda.

These were the essential facts of the case. He did not intend to argue the questions that grew out of them. There was, indeed, little or no ground for argument. No one in the least conversant with the laws of nations can doubt that these vessels were as much under the protection of our flag, while on their voyage, proceeding from one port of the Union to another, as if they were in port, lying at the wharves, within our acknowledged jurisdiction. Nor is it less clear, that forced as the *Enterprise* was by stress of weather, and taken, under the circumstances that the passengers and crews of the other two were, into the British dominions, they lost none of the rights which belonged to them while on their voyage on the ocean. So far otherwise, so far from losing the protection which our flag gave them while on the ocean, they had superadded, by their misfortunes, the additional rights which the laws of humanity extend to the unfortunate in their situation, and which are regarded by all civilized nations as sacred. It follows, as a necessary consequence, that the municipal laws of the place could not divest the owners of the property which, as citizens of the United States, they had in the slaves who were passengers in the vessels; and yet, as clear as is this conclusion, they were forcibly seized and detained by the local authorities of the islands; and the Government of Great Britain, after five years' negotiation, has not only withheld redress, but has not even deigned to answer the often-repeated application of our Government for redress. We are thus left by its silence to conjecture the reason for so extraordinary a course.

On casting his eyes over the whole subject, he could fix on but one that had the least plausibility, and that resting on a principle which it was scarcely credible that a Government so intelligent could assume: he meant the principle that there could not be property

in persons. It was not for him to object that Great Britain, or any other country, should assume that or any other principle it might think proper, as applicable to its subjects; but he must protest against the right to adopt it as applicable to our country or citizens. It would strike at the independence of our country, and would not be less insulting than outrageous; while it would ill become a nation that was the greatest slaveholder of any on earth, notwithstanding all cant about emancipation, to apply such a principle in her intercourse with others. It is time to speak out boldly on this subject, and to expose freely the folly and hypocrisy of those who accuse others of what, if there be guilt, they are more guilty themselves.

Ours is not the only mode in which man may have dominion over man. The principle which would abrogate the property of our citizens in their slaves would equally abrogate the dominion of Great Britain over the subject nations under her control. If one individual can have no property in another, how can one nation, which is but an aggregate of individuals, have dominion, which involves the highest right of property, over another? If man has, by nature, the right of self-government, have not nations, on the same principle, an equal right? And if the former forbids one individual from having property in another individual, does not the other equally forbid one nation holding dominion over another? How inconsistent would it be in Great Britain to withhold redress for injustice to our citizens committed in the West Indies, on the ground that persons could not be property, while in the East Indies she exercises unlimited dominion over more than a hundred millions of human beings, whose labor she controls as effectually as our citizens do that of their slaves! It is not to be credited that she will venture to assume, in her relation with us, a principle so utterly indefensible, and which could not but expose her to imputations which would make her sincerity questionable. This she must see, and to the fact that she does he attributed her long and obstinate silence.

But it may be asked, why, then, does she not make reparation at once in so clear a case? Why not restore the slaves, or make ample compensation to their owners? He could imagine but one motive: she had among her subjects many whose fanatical feelings on this subject she was unwilling to offend; but, while respecting the feelings of her subjects, blind and misdirected as they are, she ought not to forget that our Government is also bound to respect the feelings of its citizens. Let her remember that, if to respect the rights which our citizens have over their slaves be offensive to any portion of her subjects, how much more so would it be to our citizens for our Government to acquiesce in her refusal to respect our right to establish the relation which one portion of our population shall have to another, and how un-

reasonable it would be for her to expect that our Government should be more indifferent to the feelings of its citizens than hers to any portion of her subjects. He, with every lover of his country, on both sides, desired sincerely to see the peace and harmony of the two countries preserved; but he held that the only condition on which they could possibly be preserved was that of perfect equality and a mutual respect for their respective institutions; and he could not but see that a perseverance in withholding redress in these cases must, in the end, disturb the friendly relations which now so happily exist between the two countries.

He hoped, on resuming the correspondence, our Government would press the claim for redress in a manner far more earnest and becoming the importance of the subject than it has heretofore done. It seemed to him that a vast deal too much had been said about the decision of the courts and the acts of the British Government than ought to have been. They have little or nothing to do with the case, and can have no force whatever against the grounds on which our claims for justice stand. However binding on their own subjects, or foreigners voluntarily entering her dominions, they can have no binding effect whatever, where misfortune, such as in these cases, placed our citizens within her jurisdiction.

If they be properly presented, and pressed on the attention of the British Government, he could not doubt but that speedy and ample justice would be done. It could not be withheld but by an open refusal to do justice, which he could not anticipate. As to himself, he should feel bound, as one of the representatives from the slaveholding States, which had a peculiar and deep interest in the question, to bring this case annually before Congress, so long as he held a seat on this floor, if redress shall be so long withheld.

FRIDAY, March 3

Navy Pension Fund.

Mr. RIVES, from the Committee on Naval Affairs, reported a recommendation that the Senate disagree to the amendments from the House of Representatives to the bill for the more equitable administration of the navy pension funds.

Mr. R. explained the ground of the recommendation. The bill of the Senate went to raise the pensions of the widows of officers before March, 1835, to the level of those since that date, while the amendment of the House proposed to cut down the pensions since 1835 to the level of those before that time.

The recommendation of the committee was assented to, and the Senate disagreed to the amendment from the House.

Distribution Question—Deposit with the States.

A message was received from the House of

Representatives, informing the Senate that the House adhered to its disagreement to the amendments of the Senate to the fortification bill.

Mr. WRIGHT thereupon moved that the Senate adhere to its amendment.

Mr. CALHOUN observed that this was a very important amendment indeed, and one which he deeply regretted the committee had deemed it proper to report. He could not consent to sit by in silence, and suffer the question to be taken, without at least requesting to hear some reason why an amendment of this character had been reported. If there should be a large surplus in the Treasury, as there was every reason to expect there would be, the natural and proper distribution of it was obviously to return it to the people. He could not but express his surprise that the committee should expect the Senate to strike out an amendment of this importance, simply on their recommendation.

Mr. WRIGHT said that it was not his purpose to occupy the time of the Senate at this late period of the session. None knew better than the Senator from South Carolina the nature of the amendment, and the bearings of the whole question. The subject was as well understood by every member of the Senate as it could be by the committee. The section which the House of Representatives had added to this bill was precisely the bill introduced at the commencement of the session by the honorable gentleman from South Carolina himself, which had been referred to the Finance Committee, and long since reported on. Surely, the gentleman did not expect a written report on a bill referred but yesterday, and embracing a subject of such vast magnitude. The amendment involved as important a question as ever had been submitted to Congress; and if this had been the first time the Senate had ever heard of it, there would have been great propriety in requiring either a written report, or at least some verbal explanation in regard to it. But Mr. W. did not feel bound, as the case stood, to make a long report on a matter with which everybody was familiar, and on which he could not suggest a single new idea. A report, under such circumstances, would, if made, change no opinion. This was the simple explanation which he had to make (so far as he was personally concerned) in reply to the call of the honorable Senator from South Carolina.

After some further debate, the Senate determined to adhere to its disagreement.

YEAS.—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, Wall, Wright—27.

NAYS.—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, McLean, Moore, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Webster, White—23.

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Extra Session of the Senate.

[SENATE.]

Thanks to the President pro tem.

Mr. KING, of Alabama, the President *pro tem.*, having temporarily left the chair, Mr. DAVIS submitted the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Senate be tendered to the honorable WILLIAM R. KING, President *pro tempore*, for his late impartial and dignified services as presiding officer.

Adjournment.

Mr. HUBBARD, from the joint committee appointed to wait on the President, and inform him that the two Houses of Congress, having finished the business before them, were now ready to adjourn, unless he had some further communication to make, reported that they had performed the duty assigned them, and were answered by the President that he had no other official communication to make, but that he had charged him to say that it was the wish of his heart that each member of Congress might enjoy health and prosperity in this world, and happiness in the next.

On motion of Mr. WEBSTER,

The Senate then adjourned *sine die*.

EXTRA SESSION OF THE SENATE.

"THE PRESIDENT OF THE UNITED STATES,

"To ———, Senator for the State of ———.

"By virtue of the power vested in me by the constitution, I hereby convene the Senate of the United States, to meet in the Senate chamber on the 4th day of March next, at 10 o'clock in the forenoon, to receive any communication the President of the United States may think it his duty to make.

"ANDREW JACKSON.

"DECEMBER 20, 1836."

SATURDAY, March 4.

In conformity with the above-recited summons from the President of the United States, the Senate assembled in their chamber, in the city of Washington, at 10 o'clock A. M. this day.

The Senate was called to order by Mr. KING, of Alabama, the late President *pro tem.*

RICHARD M. JOHNSON, of Kentucky, Vice President of the United States, being present, was conducted to the Secretary's table by Mr. GRUNDY, and the oath to support the Constitution of the United States having been administered to him, Mr. KING vacated the chair, and Mr. JOHNSON took his seat as President of the Senate and Vice President of the United States.

The VICE PRESIDENT, on taking the chair, addressed the Senate as follows:

Gentlemen of the Senate: In entering upon the discharge of the duties of the presiding officer of this body, the necessity of addressing its members has been very much lessened, if not superseded, by the opportunity afforded me of presenting some of my sentiments when I accepted the situation.

I cannot, however, permit the present occasion to pass without again tendering to you my grateful acknowledgments for the honor conferred upon me by your choice.

There is not, in my opinion, upon this globe, a legislative body more respectable and more exalted in character than the Senate of the United States; and there is not, perhaps, a deliberative assembly existing where the presiding officer has less difficulty in preserving order. This facility is attributable principally to two causes: the intelligence and patriotism of the members who compose the body, and that personal respect and courtesy which have always been extended from one member to another, in its deliberations. These qualities have a tendency to produce a unity of design, and a mutual confidence, in the ultimate object of all, whatever difference of opinion may exist in relation to the means of gaining the common end; and inculcate that sentiment of equality among the members which constitutes the essential principle of our free institutions, and which will never cease to animate a body so enlightened as this. These reflections have mitigated the intense anxiety of mind, and well-founded apprehensions, arising from a consciousness of my own deficiency of qualifications to preside over this elevated body.

In the exercise of the powers conferred upon me by the constitution, it shall be my effort to pursue that course of conduct which has recommended me to the consideration of my fellow-citizens—a faithful discharge of my public duties, to the extent of my abilities, and in a manner that shall seem best calculated to give satisfaction to all. Contemplating the duties and ceremonies of this day, it might be considered improper in me to consume any more of your time by adverting to other subjects, however relevant to the new position which I now occupy. I shall, therefore, close my remarks by informing the Senate that I am now ready to proceed with the business for which we are assembled.

There were now ascertained to be present every Senator from every State in the Union, except one, (Mr. MCKINLEY, of Alabama,) being fifty-one in number.

The new members present were—

From Indiana, OLIVER H. SMITH; from Illinois, RICHARD M. YOUNG; from Ohio, WILLIAM ALLEN; from Maine, REUEL WILLIAMS; from Connecticut, PERRY SMITH.

The oath prescribed by the constitution was then administered by the VICE PRESIDENT to the new Senators, and those Senators re-elected, except Mr. SEVIER, of Arkansas, the consideration of whose credentials of appointment by the Governor (as to filling the vacancy occasioned by the expiration of his own term) was postponed to Monday.

The Senate continued its sittings on Monday, Tuesday, Wednesday, and Thursday following, and were engaged, principally, upon executive business—acting upon the nominations of the President.

On Tuesday, Mr. GRUNDY, from the Judiciary Committee, reported "that the Hon. AMBROSE H. SEVIER is entitled to his seat as a Senator from Arkansas, under the executive appointment of the 17th of January, 1837; and that he now have the oath of office accordingly ad-

ministered to him." On Wednesday the report was debated, and on the question of agreeing to it the yeas and nays were as follows :

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Robinson, Ruggles, Smith of Connecticut, Tipton, Walker, Wall, White, Wright, Young—26.

NAYS.—Messrs. Bayard, Black, Clay, Crittenden, Davis, Kent, King of Alabama, King of Georgia, Knight, McKean, Morris, Mouton, Prentiss, Robbins, Smith of Indiana, Southard, Swift, Webster, Williams—19.

Mr. SEVIER then appeared and took the oath of office.

The VICE PRESIDENT having retired from the chair on Tuesday, according to usage, to allow of the choice of a President *pro tem.* before the adjournment, the Senate proceeded to ballot for a President *pro tem.*, when WILLIAM R. KING, of Alabama, was elected.

At the close of Thursday's sitting, a committee was appointed, on motion of Mr. WRIGHT, to announce to the President of the United States that the Senate had got through its business, and was ready to adjourn, if he had no further communication to make to them. Mr. WRIGHT and Mr. LYON were appointed a committee accordingly.

On Friday morning, at 10 o'clock, the committee reported that they had discharged the duty thus confided to them, and had received for answer that the President had no further communication to make them. And then

The Senate adjourned *sine die.*

Inauguration of President Van Buren.

On Saturday, the 4th of March, Martin Van Buren, Esq., President elect of the United States, was inducted into office with the usual formalities and ceremonies ; and thereupon delivered the following inaugural address :

FELLOW-CITIZENS:—The practice of all my predecessors imposes on me an obligation I cheerfully fulfil, to accompany the first and solemn act of my public trust, with an avowal of the principles that will guide me in performing it, and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example, I tread in the footsteps of illustrious men, whose superiors, it is our happiness to believe, are not found on the executive calendar of any country. Among them we recognize the earliest and firmest pillars of the republic ; those by whom our national independence was first declared ; him who, above all others, contributed to establish it on the field of battle ; and those whose expanded intellect and patriotism constructed, improved, and perfected, the inestimable institutions under which we live. If such men, in the position I now occupy, felt themselves overwhelmed by a sense of gratitude for this, the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one who can rely on no such claims for favor or forbearance. Unlike all who

have preceded me, the Revolution, that gave us existence as one people, was achieved at the period of my birth ; and, whilst I contemplate with grateful reverence that memorable event, I feel that I belong to a later age, and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow-citizens, do these circumstances press themselves upon me, that I should not dare to enter upon my path of duty, did I not look for the generous aid of those who will be associated with me in the various and co-ordinate branches of the Government ; did I not repose, with unwavering reliance, on the patriotism, the intelligence, and the kindness, of a people who never yet deserted a public servant honestly laboring in their cause ; and, above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence.

To the confidence and consolation derived from these sources, it would be ungrateful not to add those which spring from our present fortunate condition. Though not altogether exempt from embarrassments that disturb our tranquillity at home and threaten it abroad, yet, in all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world. Abroad, we enjoy the respect and, with scarcely an exception, the friendship of every nation. At home, while our Government quietly, but efficiently, performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen, in his own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy. All the lessons of history and experience must be lost upon us, if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate, and the bounteous resources that nature has scattered with so liberal a hand—even the diffused intelligence and elevated character of our people—will avail us nothing, if we fail sacredly to uphold those political institutions that were wisely and deliberately formed with reference to every circumstance that could preserve, or might endanger, the blessings we enjoy. The thoughtful framers of our constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and of patriots, they saw all the sources of rapid and wonderful prosperity ; but they saw also that various habits, opinions, and institutions, peculiar to the various portions of so vast a region, were deeply fixed. Distinct sovereignties were in actual existence, whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interests, liable to be exaggerated through sinister designs ; they differed in size, in population, in wealth, and in actual and prospective resources and power ; they varied in the character of their industry and staple productions ; and in some existed domestic institutions which, unwisely disturbed, might endanger the harmony of the whole. Most carefully were all these circumstances weighed, and the foundations of the new Government laid upon principles of reciprocal concession and equitable compromise. The jealousies which the smaller States might entertain of the power of the rest were allayed by a rule of representation, confessedly unequal at that time, and

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designed forever to remain so. A natural fear that the broad scope of general legislation might bear upon, and unwisely control, particular interests, was counteracted by limits strictly drawn around the action of the federal authority; and to the people and the States was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just republic, excepting such only as necessarily appertain to the concerns of the whole confederacy, or its intercourse, as a united community, with the other nations of the world.

This provident forecast has been verified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along, but on our institutions it has left no injurious mark. From a small community we have risen to a people powerful in numbers and in strength; but with our increase has gone, hand in hand, the progress of just principles; the privileges, civil and religious, of the humblest individual are still sacredly protected at home; and, while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us, in a single instance, to forget what is right. Our commerce has been extended to the remotest nations; the value and even nature of our productions has been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country; yet the spirit of mutual regard and of faithful adherence to existing compacts has continued to prevail in our councils, and never long been absent from our conduct. We have learned by experience a fruitful lesson: that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward, through all the conflicts of circumstances and the vicissitudes inseparable from the lapse of years.

The success that has thus attended our great experiment is, in itself, a sufficient cause for gratitude, on account of the happiness it has actually conferred, and the example it has unanswerably given. But to me, my fellow-citizens, looking forward to the far-distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon ourselves; that, if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come; and that America will present to every friend of mankind the cheering proof that a popular Government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago, its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were supposed to exist, even by the wise and good; and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fears of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

An imperfect experience, during the struggles of the Revolution, was supposed to warrant the belief that the people would not bear the taxation requisite to discharge an immense public debt already incurred, and to defray the necessary expenses of the Government. The cost of two wars has been paid, not only without a murmur, but with unequalled alacrity. No one is now left to doubt that every

burden will be cheerfully borne that may be necessary to sustain our civil institutions, or guard our honor or our welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends, in cases of emergency, has uniformly outrun the confidence of their representatives.

In the early stages of the new Government, when all felt the imposing influence as they recognized the unequalled services of the first President, it was a common sentiment, that the great weight of his character could alone bind the discordant materials of our Government together, and save us from the violence of contending factions. Since his death nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and the fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness, from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of the municipal law, have also been favorably exemplified in the history of the American States. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribunals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than in any other of equal population on the globe; and, with the diffusion of intelligence, it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens will assuredly, in time, produce this result; for as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the landmarks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid, their friends found a fruitful source of apprehension, their enemies of hope. While they foresaw less promptness of action than in Governments differently formed, they overlooked the far more important consideration that, with us, war could never be the result of individual or irresponsible will; but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice, who would consequently feel an individual interest in the contest, and whose energy would, be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our Government; and, amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever-ready military organization of other nations; we may occasionally suffer in the outset for the want of it; but among ourselves, all doubt upon

this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of States, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; the effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions, and the enlarged variety and amount of interests, productions, and pursuits, have strengthened the chain of mutual dependence, and formed a circle of mutual benefits too apparent ever to be overlooked.

In justly balancing the powers of the Federal and State authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these, it was scarcely believed possible that a scheme of government, so complex in construction, could remain uninjured. From time to time embarrassments have certainly occurred; but how just is the confidence in future safety imparted by the knowledge that each in succession has been happily removed. Overlooking partial and temporary evils, as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the Federal Government has successfully performed its appropriate functions in relation to foreign affairs and concerns evidently national, that of every State has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much towards one or the other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that, in spite of every sinister foreboding, it never, until the present period, disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and the patriotism of their course: it is evidence, not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as from every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included? Amidst the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and, standing as I now do before my countrymen in this high place of honor and of trust, I cannot refrain from anxiously invoking my fellow-citizens never to be deaf to its dictates. Perceiving, before my election, the deep

interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least, they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, "I must go into the presidential chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding States; and also with a determination equally decided to resist the slightest interference with it in the States where it exists." I submitted also to my fellow-citizens, with fulness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in, by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add, that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed; and that in this, as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our Government are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred; terrifying instances of local violence have been witnessed; and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people, nor sections of the country, have been swerved from their devotion to the bond of union, and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but with each the object will be better understood. That predominating affection for our political system which prevails throughout our territorial limits; that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist and control every effort, foreign or domestic, which aims or would lead to overthrow our institutions.

What can be more gratifying than such a retrospect as this! We look back on obstacles avoided, and dangers overcome; on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our constitution surmount every adverse circumstance, dreaded at the outset as beyond control. Present excitement will, at all times, magnify present dangers; but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought, for we have just reason, to entertain an abiding confidence in the stability of our institutions, and an entire conviction that, if administered in the true form, character, and spirit, in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already de-

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rived from them ; to make our beloved land, for a thousand generations, that chosen spot where happiness springs from a perfect equality of political rights.

For myself, therefore, I desire to declare, that the principle that will govern me, in the high duty to which my country calls me, is a strict adherence to the letter and spirit of the constitution, as it was designed by those who framed it. Looking back to it as a sacred instrument, carefully and not easily framed ; remembering that it was throughout a work of concession and compromise ; viewing it as limited to national objects ; regarding it as leaving to the people and the States all power not explicitly parted with ; I shall endeavor to preserve, protect, and defend it, by anxiously referring to its provision for direction in every action. To matters of domestic concernment which it has intrusted to the Federal Government, and to such as relate to our intercourse with foreign nations, I shall zealously devote myself ; beyond those limits I shall never pass.

To enter, on this occasion, into a further or more minute exposition of my views on the various questions of domestic policy, would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me, I submitted to them, with great precision, my opinions on all the most prominent of these subjects. These opinions I shall endeavor to carry out with my utmost ability.

Our course of foreign policy has been so uniform and intelligible as to constitute a rule of executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience and the known opinions of my constituents. We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare and the principles of our Government. We decline alliances, as adverse to our peace. We desire commercial relations on equal terms, being ever willing to give a fair equivalent for advantages received. We endeavor to conduct our intercourse with openness and sincerity ; promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and we disclaim

all right, to meddle in disputes, whether internal or foreign, that may molest other countries ; regarding them, in their actual state, as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valor of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression ; and, in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination, never to permit an invasion of our rights without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which, I trust, will atone for the errors I commit.

In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with equal ability and success. But, united as I have been in his councils, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him I but express, with my own, the wishes of all—that he may yet long live to enjoy the brilliant evening of his well-spent life ; and, for myself, conscious of but one desire, faithfully to serve my country, I throw myself, without fear, on its justice and its kindness. Beyond that I only look to the gracious protection of the Divine Being, whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of His providence to bless our beloved country with honors and with length of days ; may her ways be ways of pleasantness, and all her paths be peace.

MARTIN VAN BUREN.

MARCH 4, 1837.

TWENTY-FOURTH CONGRESS.—SECOND SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.

MONDAY, December 5, 1836.

At twelve o'clock the SPEAKER (Hon. JAMES K. POLK of Tennessee) took the chair, and called the House to order.

The roll of members having been called over by the Clerk, (WALTER S. FRANKLIN Esq.,) and a quorum being found in attendance, the House proceeded to business, and appointed a committee, jointly with a committee of the Senate, to wait upon the President of the United States, and inform him of the organization of the two Houses, and their readiness to receive any communication from him.

TUESDAY, December 6.

The Hon. JOHN YOUNG, elected a member from the State of New York, to supply the vacancy occasioned by the resignation of Philo C. Fuller, appeared this day, was qualified, and took his seat.

Mr. D. J. PEARCE informed the House that the joint committee appointed on yesterday to wait on the President of the United States, had performed their duty; and that they had been directed by the President to say that, at 12 o'clock this day, he would make a communication, in writing, to both Houses. (See Senate proceedings of this date.)

WEDNESDAY, December 7.

Death of Mr. Dickson.

Mr. CLAIBORNE, of Mississippi, addressed the House as follows:

Mr. Speaker: It is only a few years since I witnessed from that gallery the affecting honors paid to the remains of a distinguished Representative from the State of Mississippi.*

Since that period, she has lost two sons,* eminent for talents in the public service, and you are now called on to render the last homage to the memory of another. The time that has intervened since the death of my lamented colleague saves me the painful duty of being the first to communicate it to his friends, now present. He died, sir, as he had lived, through a life of extraordinary vicissitudes, with characteristic fortitude, with but one wish ungratified—a wish so natural to the human heart—that, in his dark hour of dissolution, he might be supported by his nearest and best beloved, and the cherished beings that grew up and clustered around his fireside.

Sir, let death come when it will, in what shape it may, in the battle or the shipwreck, or in the solitude of the cloister, it is appalling to human contemplation. But when it overtakes us in a distant land, and we know that our last moments of agony and infirmity are to be witnessed by stranger eyes, and are conscious that we must be carried down to an unwept grave, where no kindred dust shall mingle with ours forever, and the last hope of home and of family fades from our filmed view, oh! sir, this is death! this it is to die. Such was the destiny of my colleague, "by strangers honored and by strangers mourned." His dying message was for those broken-hearted ones, now in widowhood and orphanage—his expiring sigh a prayer for them!

Mr Speaker, I shall pronounce no eulogy on the dead. Let his history speak it. For twenty years he preserved a high position in the public service, and died poorer than when he entered it, leaving to his children the riches of an honorable name. If it be praise to have lived beloved and die unapproached, then it is due to him.

* Hon. Christopher Rankin.

* Thomas B. Read and Robert H. Adams, of the U. S. Senate.

DECEMBER, 1836.]

Death of Mr. Kinnard.

[H. OF R.]

It now only remains for us to pay the final honors to his memory—sad, because it seems like breaking the last link that binds the living to the dead; solemn, when we reflect how soon, how very soon, some friend now present may invoke the same tribute for ourselves!

I offer you, sir, the following resolution:

Resolved, That, in testimony of their respect for the memory of DAVID DICKSON, late a Representative from the State of Mississippi, the members of this House will wear crape for one month.

This resolution was unanimously agreed to.

Death of General Coffee, of Georgia.

Mr. HAYNES, of Georgia, addressed the chair as follows:

Mr. Speaker: On me has devolved the mournful duty of announcing to this House the death of one of its members, my friend and colleague, the Hon. JOHN COFFEE, of Georgia. For a considerable portion of the last session of Congress he labored under severe indisposition, which at different periods detained him from the service of the House. Although his symptoms were so mitigated before the adjournment as to enable him to resume the regular discharge of his official duties, no radical amendment had taken place, and with gradually increasing force his disease closed his existence, in the bosom of his family, in the month of September last.

In speaking of a departed friend and colleague, the language of eulogy might be excused; but to those who have been associated with General COFFEE in the labors of this House, for the last three years, such language would be unnecessary.

Suffice it to say that, in his domestic and social relations, he was eminently characterized by affectionate kindness and courtesy, and that public duties were discharged with honor to himself and fidelity to his country. As the usual mark of respect, I offer the following resolutions:

Resolved, unanimously, That this House has received with the liveliest sensibility the annunciation of the death of the Hon. JOHN COFFEE, a Representative from the State of Georgia.

Resolved, unanimously, That this House tenders to the relatives of the deceased the expression of its sympathy on this mournful event; and, as a testimony of respect for the memory of the deceased, the members will wear crape on the left arm for thirty days.

These resolutions were unanimously agreed to; and then, on motion of Mr. CUSHMAN, The House adjourned.

THURSDAY, December 8.

The Madison Papers.

The following Message in writing was received from the President of the United States:

To the Senate and House of Representatives:

I transmit, herewith, copies of my correspondence

with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the revolutionary Congress, and of the conventions that formed the Constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared—long withheld from the public as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men until he and all who had been participators with him in the scenes he describes have passed away—well deserves to become the property of the nation; and cannot fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and every succeeding generation—accurate knowledge of the principles of their Government, and the circumstances under which they were recommended, and imbedded in the constitution for adoption.

ANDREW JACKSON.

DECEMBER 6, 1836.

The Message, having been read, was, on motion of Mr. PATTON, referred to the proposed Joint Committee on the Library, and ordered to be printed.

Death of Mr. Kinnard.

Mr. DAVIS, of Indiana, addressed the Chair as follows:

Mr. Speaker: Painful as the duty may be, it is mine of this morning to announce to the House the decease of another of its members.

My friend and colleague, the Hon. GEORGE L. KINNARD, died at Cincinnati on the 25th ult., after a few days of suffering much more severe than ordinarily falls to the lot of mankind in passing that dread ordeal. The immediate cause of his death is perhaps well known to this House and to the country. It was his misfortune to suffer from one of those appalling accidents which are of but too frequent recurrence upon our steamboats, by the bursting of their machinery. He, too, like one of our associates whose death was announced on yesterday, died among strangers, yet among friends. At the hospitable mansion of the Hon. Robert T. Lytle, (where he paid the great debt of nature,) he received the most unremitting attention and kindness, as also the most unwearied services of those who rank among the first in the profession of medicine; but all would not do; the omnipotent fiat had gone forth by which he was called from the service of his country to the service of his God. Had I studied by set phrase to pass a eulogy upon his character, I should find words too cold, language too inexpressive, to do justice to his vir-

tues. It was my good fortune to be favored for many years with his acquaintance, and to share largely in his friendship. With a clear and discriminating mind, an honest heart, and an untiring industry, he had elevated himself to the highest seat in the affections of those who knew him best. In all the varied relations of life, (to which he was about to add another of a sacred and responsible character,) he sustained the most unsullied reputation, leaving to the world indubitable evidence, not only that he was a man of high attainments, but that he was emphatically one of God's noblest works—an honest man.

Mr. D. then submitted the following resolutions, which were unanimously adopted :

Resolved, That as a testimonial of respect for the memory of the Hon. GEORGE L. KINNARD, late a member of this House from the State of Indiana, the members of this body will wear crape on the left arm for thirty days.

Resolved, That the connections and constituents of Mr. KINNARD are joined in the sincerest condolence for the loss of that intestimable man to them, to us, and to the country.

The House adjourned.

MONDAY, December 12.

Deposit with the States—Motion to release them from its Restoration.

Mr. MERCER moved the following resolution :

Resolved, That the Committee of Ways and Means be instructed to report a bill to amend the 13th section of the act of the last session of Congress, entitled "An act to regulate the deposits of the public money," by releasing the several States who may receive any part of the surplus revenue of the United States, in pursuance of that act, from any obligation to return the same.

Mr. MERCER, after a few observations upon the object of this proposition, moved to postpone the consideration of the resolution till Wednesday week next, and make it the special order of the day for that day.

Mr. DUNLAP remarked : Mr. Speaker, I am opposed to the gentleman's resolution being made the special order of this House. The resolution involves a very important question, to wit, the power of Congress to distribute the surplus revenue. This important constitutional question was avoided at the last session, and now it is intended to be brought up, to the exclusion of all other business. The States have the money, and may do what they please with it, and I wish the discussion of this subject to be postponed until a long session of Congress. This will be a very short session, and should be a business session. I am opposed to all unnecessary discussion at this session ; and I desire that the business of the American people should be attended to. I therefore move that the resolution be laid on the table.

Mr. MERCER asked for the yeas and nays on

the question of laying his resolution on the table ; which were ordered ; and being taken without debate, (the rules not admitting debate on a motion to lay any proposition on the table,) stood—yeas 126, nays 73.

So the resolution was ordered to lie on the table.

TUESDAY, December 13.

The President's Message.

On motion of Mr. LOYALL, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. ADAMS in the chair,) on the annual Message of the President of the United States.

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Mr. WISE offered the following resolution :

Resolved, That so much of the President's Message as relates to the condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation, be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their business or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured or impaired the public service and interest ; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.

Mr. WISE then addressed the House as follows :

Mr. Chairman : In submitting the resolution of reference which I have sent to the Chair, I deem it my duty to offer some reflections to the House and to the country.

Sir, this paper is the last annual message of Andrew Jackson. The contemplation of it as such is deeply affecting to the sincere lover of him, and solemnly mournful to the honest lover of his country.

What should the last annual message of Andrew Jackson have been? Who is he, what has he been? The answer to this question ought to determine what this last act of its kind of his should have been.

A man of humble but respectable origin, he was born in the times of his country's travail for independence. His precocious spirit of resistance to oppression marked his infant body with the scars of the Revolution. After the times which tried men's souls had passed away ;

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after the blessings of freedom had been secured by all the muniments of the institutions of our fathers, the fruits of peace, and virtue, and wisdom, and jealous patriotism; after varied and chequered scenes of private and public life, under a destiny adverse only so far as it was full of dangers, in games not olympic, in contests not heroic, we find him in the midst of his country's second troubles a citizen soldier, a major-general of the army of the republic.

He "was ambitious of fame; and as long as mankind shall continue to bestow more liberal applause on their destroyers than on their benefactors, the thirst of military glory will ever be the vice of the most exalted characters." A bold, energetic, and dauntless commander, he carried conquest, in spite of all dangers and difficulties, into the wilderness of the savage tribes of the Southern frontier; was the daring but successful and justified invader of a neutral territory, and finally "filled the measure of his country's glory" in defence of Orleans, where he assumed to be the arbiter of martial law, the judge advocate of men's allegiance—where he conquered the conquerors of Napoleon—where he professed and practised submission to the civil authority, and where he acquired the title of Hero. And there was created, I will say, "a dear-bought debt of gratitude" from his country.

"Hail, second Saviour!" was shouted from the lips of every grateful heart, and echoed from every hill and valley; his name was emblazoned high on the rolls of imperishable military fame, and peace was quick to hallow his victory. With peace his warlike occupations were gone, but civil honors were showered and thickened around him. From the camp he rose to a seat in the Senate chamber—for then the Senate chamber was higher than the camp. He bore, or seemed to bear, his honors patiently; but all that had been done or could be done, it seemed, was not enough for him, in the estimation of a generous people. He was nominated for the first place on earth—the presidency of these united, sovereign, and independent States of America; for then these States were united, sovereign, and independent. Civilians and statesmen, of proudest names and stations, were his competitors; but he was the people's candidate, against men in office, against the powers that were, against their intrigues, their patronage, and their caucuses; and in consideration thereof, and of his just appellation of Hero, he was most popular and strongest in the plurality of votes. He was defeated—defeated here, in this hall, in the House of Representatives, by men such as we are—and what we, the representatives of the people, are, I will not name—by means I will not describe. It is sufficient to say that the manner of his defeat was not only enough to insure his subsequent triumph, but to rivet him immovably, right or wrong, in the hearts of his countrymen forever. He became the champion of popular rights and the elective franchise, against

office-holders and office-seekers—the favorite pet of the people, who was to scourge bribery and corruption, whose name was to be terror to all evil-doers, whose policy was to be retrenchment and reform, by whom the independence of Congress of executive patronage was to be maintained, by whom that patronage was to be curtailed to harmlessness, and in whom "the line of safe precedents" was to be broken and destroyed. He was swept and rushed along on the roaring tide of an overwhelming popularity high up into office, on the second flood, and that popularity has never deserted him—no fickleness in it, it has never retired for a moment; notwithstanding strong winds which have blown from every point of the compass, and opposing currents in every direction, it has continued to swell and swell, until it has become a flood—I will not say which threatens the dry land. He came into power professing and proclaiming the most severe, aye, stoical democratic principles; the people confided in him, were bound to him the closer, and have never wavered yet in their confidence—I will not say, though he has tried it to the uttermost. Unfortunately for him, when he was crowned with the reward of his military services, and was inducted into office, he not only found "competitors to be removed, enemies to be punished," but he was beset by friends from whom he should have put up prayers to be saved. I will not say that he was lacking in those magnanimous qualifications of a truly great man, which alone could rid him and guard him from these misfortunes—for man, poor feeble man, is weak under the most ordinary temptations, and his virtue must be strong who presides in a palace—but misfortunes they were.

So it was, he was buoyed up in the affections of the sovereign people. Has he done wrong? He was popular. Has he done worse than wrong? He was popular, and he was the President who could do no wrong, in whom popularity was joined with power and patronage. Has ruthless proscription for opinion's sake turned faithful public servants out of their employment, and snatched from the mouths of their families their bread? We are told the President ordered the removals, and the people had sanctioned proscription! Has favoritism filled the vacancies which proscription has made with the servile tools of party, to do the bidding of power? We are told that the President had need of his own friends, and that the people have sanctioned the maxim, "that to the victors belong the spoils!" Have the highest and richest offices, worth more than half of a million, been bestowed as rewards upon members of Congress, and has "corruption become the order of the day?" We are told that the President was the best judge of the selection of high functionaries, and that the people have sanctioned the "order of the day!" As "till the reign of Severus, the virtue and even the good sense of the Emperors had been distin-

guished by their zeal or affected reverence for the Roman Senate, and by a tender regard to the nice frame of civil policy instituted by Augustus," so had the virtue and even the good sense of preceding Presidents, till the reign of Andrew Jackson, been distinguished by their zeal and reverence for the American Senate, and by a tender regard for the nice frame of civil policy instituted by the fathers of our republic! Had "his youth," like that of Severus, "been trained in the implicit obedience of camps, and his riper years spent in the despotism of military command! could not his haughty and inflexible spirit discover, or would he not acknowledge, the advantage of preserving an intermediate power, however imaginary, between the Emperor and the army?" As in the reign of Severus, was "the Senate filled with polished and eloquent slaves from the eastern (and I may add southern) provinces, who justified personal flattery by speculative principles of servitude?" Have the lawyers of his reign, whom I will not call Papinians or Pauluses, or Ulpian, "concurred in teaching that the imperial authority was held not by the delegated commission, but by the irrevocable resignation of the Senate? and that the Emperor might destroy vested rights and the incorporations of law by his *sic volo*?" We are told that the aristocratic Senate had dared to offend the majesty of the President, and that the people have sanctioned the word "expunge!" Has the independence of Congress been totally destroyed by corrupt bribes and the power of appointing members to office? We are told that the representatives of the people are selected to do the will of the President, and that the people have sanctioned the creed that there can be no treason to the country so long as there is fidelity to "the party." Has the President "assumed the responsibility," seized the custody and the control of the public money, in defiance of all law and precedent, and placed them in the hands of a traitor and a perjured knave? We are told that the monster bank was his enemy, and that the people have sanctioned the "union of the purse and sword." Has he assumed to himself judicial powers, and the prerogative to administer the laws and the constitution according to his own interpretation and his own irresponsible will? We are told that the President's conscience alone is concerned in their execution, and that the people have sanctioned in him the power of imperial magistrate. As imperial magistrate, has he "assumed the conduct and style of sovereign and conqueror, and exercised, without disguise, the whole legislative as well as executive power?" We are told that the President is "the Government," and that the people have sanctioned the pretension that all offices and their powers are his! Have the expenditures of his administration increased and grown enormously beyond all example, to thirty-eight millions from fifteen millions, without a cent of public debt to be paid? We are told that the President is the

best judge of the wants of the country, and that the people have sanctioned wasteful and profligate extravagance! Have thousands and hundreds of thousands been expended on east rooms, and gravel walks, and all the regalia of a palace, in fact, for a republican officer in form? We are told that the President's court should be as splendid as any King's, and that the people have sanctioned royalty! Has the patronage of the Federal Government been tremendously increased, and exerted in conflict with the freedom of elections? We are told that the reign of the President should be perpetuated, and that the people have sanctioned the interference of office-holders with the elective franchise! Has the currency of the country been totally deranged, and is there danger of a universal crash in trade and finance? We are told that the President's golden experiment must be fully tested to our hearts' content, and that the people have sanctioned the "inverted pyramid" of local bank paper rags, which threatens to totter over our heads! Has "the fine theory of a republic insensibly vanished, and made way for the more natural and substantial feelings of a monarchy?" We are told that the President may be a king by the will of the people, and that the people have already consented to the change! Has the President been "freed from the restraint of civil laws? can he command by his arbitrary will the lives and fortunes of his subjects, and," finally, "has he disposed of the empire, as of his private patrimony," by nominating and electing his successor? We are told that the President was entitled to his right of election as well as other men, and that the people have sanctioned and submitted to his dictation!

Sir, let me not be misunderstood. Let no one infer that I am indulging in any tirade against the President, or that I am venting any spleen whatever. No, sir; no. Far, far be it from me now, now when it is too late, if ever it was right and proper, to indulge in stronger invective against a Chief Magistrate than truth and patriotism required. He of whom I speak is, I deeply regret, now lying on the couch of human suffering, the last, I fear, from what I am told, of his sufferings in this world of sorrow. I too have served him with more than half the zeal I ever served a more omnipotent master. He will, if he lives, soon retire from the palace of power, and resign all the pomp and circumstance of state and station into other hands, which are to reign after him. God grant, sir, that his retirement may be that peaceful and calm and blessed retirement from the harassing cares of office, which belongs to wisdom, virtue, and the consciousness of being a public benefactor—such as was illustrated in the examples of a Washington and a Madison. My prayer fervently is, that he may yet live long at his beloved Hermitage, in the holy retreat of his own private sanctuary, and spend the decline of his days in solemn reflections upon the scenes and events of a long life, most

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actively spent in deeds big with the fate of a country he has defended, and of its institutions "hallowed by the wisdom of sages, and consecrated by the blood of heroes." May he live long to witness the effects of his errors, if errors he has committed, to acknowledge and repent of them, and in like manner to enjoy the blessings of his administration, if of any blessings it has been fruitful. No, sir; my meaning is not now to condemn the President, but to defend the people. This is the sole object of the questions I have put. I do not mean to accuse the President of all these enormities against civil liberty, of which I have asked—is he guilty? Nor do I admit, if he is guilty of them, that the people have sanctioned all or any which I have enumerated. But, sir, I merely state the fact, that the party who claim to hold him in keeping, and to hold on to his power after him, claim and tell us that the people have yielded every thing worth preserving, and have sanctioned all these enormities, and more, and worse. What their object may be in admitting these encroachments, and in claiming that the people have sanctioned and approved them, I know not, unless they mean hereafter to rely upon most "unsafe precedents!" The fact is alarmingly so, that these claims are now set up, going so far as to asperse the people whom they affect so much to reverence with approving and sanctioning proscription, corruption, arbitrary power, the destruction of the checks and balances of the Government, profligate extravagance in its administration, executive dictation, royalty itself, and a caucous succession in an elective monarchy? In advance, I warn them that I now deny the fact that the people have sanctioned or approved of any such unpardonable sins against them for their only bulwarks of safety. If this people have yielded already what "the party" claim, they would have yielded all for which their fathers fought; and those fathers would rise, if the mighty dead could rise, from their very graves to reproach their debased degeneracy, and their cruel injustice, alike to them and all posterity.

I have done no wrong to Jackson, then, as all candid minds will bear me witness; I have given him credit for "every captive he has brought to Rome." At the same time, I do not mean to say he has not committed many grievous errors. For many of them I can well account, though I cannot pardon. We are taught in history that "suspicious princes often promote the last of mankind, from a vain persuasion that those who have no dependence, except on their favor, will have no attachment, except to the person of their benefactor." Thus were the Perennises and Cleanders prompted by a Commodus; and such ministers were well qualified to drive from the esteem of such a prince the "faithful counselors to whom a Marcus had recommended his son"—the one "a servile and ambitious minister, who had obtained his post by the murder

of his predecessor, but who possessed a considerable share of vigor and ability;" the other "was a Phrygian by birth, of a nation over whose stubborn but servile temper blows only could prevail. He had been sent from his native country to Rome in the capacity of a slave. As a slave he entered the imperial palace, rendered himself useful to his master's passions, and rapidly ascended to the most exalted station which a subject could enjoy. His influence over the mind of Commodus was much greater than that of his predecessor. Avarice was the reigning passion of his soul, and the great principle of his administration. The rank of consul, of patrician, of senator, was exposed to public sale. In the lucrative provincial employments the minister shared with the governor the spoils of the people. The execution of the laws was venal and arbitrary."

Is it astonishing that, with ministers like those of Commodus, tempted as they were by the public money in deposit, and by the vast public domain of this nation, stretching over rivers and lakes, and prairies of unbounded extent and inexhaustible fertility, Jackson was duped, and the public deposits were removed within reach of Perennis and Cleander? Again, sir, an incident in the history of this same emperor, very similar to the one in the history of our own President, accounts for his hostility to the Roman Senate: "One evening, as the Emperor was returning to the palace through a dark and narrow portico in the amphitheatre, an assassin, who waited his passage, rushed upon him with a drawn sword, loudly exclaiming, 'The Senate sends you this.' The conspiracy was proved to have been formed not in the Senate, but within the walls of the palace." But "the words of the assassin sunk deep into the mind of Commodus, and left an indelible impression of fear and hatred against the whole body of the Senate. The Delators, a race of men discouraged, and almost extinguished under the former reigns, again became formidable as soon as they discovered that the Emperor was desirous of finding disaffection and treason in the Senate." Sir, we all know that in the snapping of a percussion cap the President heard distinctly the words, "The Senate sends you this"—that that detestable race of men called Delators were ready to swear that the conspiracy was formed in the Senate; and, if there was not a better reason, perhaps to the act of a madman now confined in prison might be ascribed the President's past hostility to the Senate. But there is a better reason. "By declaring themselves the protectors of the people, Marius and Cæsar subverted the constitution of their country." And, perhaps, in the histories of Marius and Cæsar, our modern Cleanders learned that an "humble and disarmed" Senate is always "found a tractable and useful instrument of dominion."

In a certain event, if the election of President had failed in this House, an "humbled and disarmed Senate" might have been found

—a "tractable and useful instrument," indeed, to elect an Elagabalus, under whom another Hierocles might have enjoyed the honor of being "empress, husband;" and under whom "a dancer might have been made præfect of the city, a charioteer præfect of the watch, a barber præfect of the provisions," and all "recommended as fit officers—*enormitate membrorum!*" Sir, I might enumerate numberless such excuses for numberless such errors of the President, or rather of the President's ministers. But enough has been said; and I mean not to condemn or accuse him, I repeat, but to defend the people, whom "the party" accuse and condemn.

If it be true, as we are told, and I do not say it is not true, that the President has made and unmade men in office, has proscribed the faithful, has corrupted the pure, has humbled and disarmed the Senate, has made the House of Representatives servile and dependent, has seized and squandered the public money, has deranged the currency and endangered every man's estate, has controlled elections, has assumed royal prerogatives, made himself a king and a king his successor; and if it be also true, which I utterly deny, that the people have sanctioned all this exercise of absolute power, I ask gentlemen of all parties, those even who claim to be the exclusive keepers of the king's conscience, if this does not prove one virtue—the virtue of constancy, at least, in the people? Have they not been constant and confiding beyond measure in their attachment to him? Has their fault not been in too much confidence and constancy?

If what they say be true, and it is a main argument with them, that "the voice of the people is the voice of God;" that whatever Jackson has done they have sanctioned; that he spake, and they willed it; that he vetoed, and they voted with him; that he dictated, and they obeyed; is this not proof positive that their affections and their voices have ever sustained, have ever animated, have ever indulged, have ever justified and excused him? Such unexampled confidence, such unexampled constancy, such unexampled attachment and affection, were never witnessed before in any people towards any ruler; and I put it to the candor and sense of justice of all men to say, whether what the people have yielded to their favorite has not been more, trebly more, than reward enough for all his services and sacrifices, however great? Admitting the debt of their gratitude to him to have been ever so great, I ask if the debt has not been more than paid? Whether the President does not now owe more than he can ever pay to a generous people, who have confidingly, to a criminal degree, intrusted him with their all—their honors, their rights, their liberties, their sovereign power? Sir, what can one aged man, fast hurrying to the grave, pay to a people in consideration of what all the treasures of earth, and all the blood of them and their children, may not buy? Noth-

ing! Nothing! Yes, yes, there is one boon, one sacred legacy, of inestimable value, which, in parting from them and the world, he might have left them. He might have left them the legacy of a patriot's advice. He might have left them the truth, and solemnly imprinted it upon their minds and memories forever, that "they had trusted him too much," and his advice to them, "never, never in their history, to trust another man as they had trusted him;" and he might have returned to them their trust, and have restored them to their senses. This, and this only, would have repaid them. It would have restored to them what has been taken from them, which alone can compensate for itself.

The last Message of such a President to such a people should have been the "farewell" of a father to his children. It should have been deep in wisdom, profound in its philosophy, hallowed in its lessons of virtue, calm in its tone and temper of reason, eloquent in its appeals, sublime in its moral, and passionate only in its fervent affection. It should have been the legacy of Augustus to his successors, the "farewell" address of Washington to his countrymen!

But this is the last annual Message of Andrew Jackson! I would, for him and his country, that it was any thing but what it is. And why is it what it is? Gentlemen will pardon me—I mean nothing disrespectful to the President—when I say they know it is due to candor and truth to say—it is what it is, because it is not the Message at all of Andrew Jackson! They know that, immediately upon the adjournment of the last session of Congress, the President and his prime ministers were dispersed from their duties at the seat of Government, and from the cares of public business, on their respective missions to the States of this Union. He of State bore despatches to Georgia, and "the Old Chief himself" was lugged along through Western Virginia, over

"Ruts and ridges,
And bridges
Made of planks
In open ranks,"

to Tennessee and Alabama. It is a pity, sir, that more of the people had not witnessed the executive electioneering tour; for then, perhaps, more of the States would have followed the example of Georgia and Tennessee, neither of which could be seduced or intimidated into the support of "the man"—a Tennessee toast said, "the dog"—as well as "the master." I am told that they carried him about like a lion for show, and made him roar like a lion. They had catechisms prepared for him, and the negotiations of the mission were conducted by pre-concerted questions and answers. A crowd would collect—on the highway or in the bar-rooms, no matter which—and some "village politician" of "the party" would inquire—"What think you, General, of such a man?" In a loud tone, much too stentorian for those

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lungs which are now lacerated, the answer rung—"He is a traitor, sir." "There, there!" repeated the demagogues to the crowd—"did you not hear that?" "What think you of another, General?" "He is a liar, sir!" "What of another?" "He is a black-cockade federalist!" Of another? "He made a speech for which he paid some stenographer five dollars!" And another was—"Of no account—no account, sir, and ought to be sent home to have his place supplied by a more efficient man;" and another was—"Upon the fence, sir—upon the fence!" "But, General, what think you of—Mr. (the first time Reuben was ever called mister!) Reuben M. Whitney?" "There is no just cause of complaint against Mr. Whitney, sir; he is as true a patriot as ever was; they are all liars who accuse him of aught wrong, and the official documents prove them to be so!" All the while these responses were repeated by the deacons of the service, and the people were called to give heed to them. Those who saw the farce and the frauds did heed them, sir—did heed them.

My friend (Mr. Perron) told them that they would kill him; that there was too much travel and fatigue; too much standing and talking; too much bustle and excitement for a weak and infirm old man to bear. But still they showed him about, in the heat of summer, and still they made him roar, until he frightened the people, who at last began to apprehend he was a lion come to devour their freedom of elections, and all else they valued as dear. Defeated in his mission, he at length became disgusted himself, chagrined and mortified. He returned to Washington through Ohio, and, by the Guyandotte route, through Virginia again, and has been sick and disabled ever since. The loss of Tennessee, particularly the Hermitage, excited him still more, and this renewed excitement may have caused that hemorrhage at the lungs which has been pouring out the current of his life. At no moment since his return has he been able to write or dictate a message. There he has been lying, as it were, a dead lion, who could not even "shake the dew drop from his mane;" and his couch of infirmity has been haunted by the Perennises and Cleanders of his palace as by vampyres. In their hands has he fallen; and it is because this "last annual Message" comes to us and the country reeking with the fumes of the kitchen cabinet that it is what it is!

What is it? The worst as well as the last annual Message which Andrew Jackson ever wrote—I had like to have said, ever sent to both Houses of Congress. Its vanity and egotism—its profane hypocrisy and solemn mockery of the good man's supplications to the Supreme Ruler of the Universe—its sophistical nonsense, showing its duplicity to a foreign power, and concealing its real policy from ourselves—its low, *ad captandum* arguments, addressed to all the prejudices of ignorance and passion, to justify the most shameless attacks

upon the currency for the vile purposes of licensed depredators on the public lands—its glaring falsehoods as to the most important facts of trade, currency, banks of deposit, and finance—its electioneering, continually harping upon an institution dead in fact, and thrice wounded since dead—its oft-repeated homily against one good bank, and its unblushing recommendation, in the same breath, of nearly half one hundred bad and irresponsible banks—its disingenuous attempts to reconcile glaring inconsistencies of the President on the deposit and distribution measures—its pitiful apologies for the disgrace of our arms by Osceola—its bold recommendation of an increase of the standing army—its unjust attempt to cast censure, due to the errors and blunders of the administration itself, upon the shoulders of an innocent State officer, and then calling for an appropriation to repair these same errors, which it says are not those of this Government—its false claim of a national policy, founded in humanity towards the Indians—its reiterated jesuitical recommendation of an amendment of the constitution as to the election of President, which was never meant to be carried into effect by "the party," or to be any thing more than a topic with which to prejudice the people's minds against an election by the House—its impudent boast of the intelligence and patriotism of the successor, whom executive patronage and dictation have succeeded in electing—its shallow political economy—its demagoguism—its arts of vile deception and humbuggery—its rankling venom of party spirit—its miserable rhetoric, sinking below criticism—its grovelling moral sentiment—its total want of all sage counsel or advice, and of all pathos and feeling—are all equalled only by its false certificate in chief to "the prosperous condition of all the various executive departments," to "the ability and integrity" with which they have been conducted, and to the fact of the President's belief "that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation!"

Now, sir, complaints have been loudly made from various quarters, in this House and by the press, by responsible persons, as to the condition of most of the executive departments, and as to the want of ability and integrity with which they have been conducted; and investigations by us of the truth or falsehood, justice or injustice, of these complaints, have heretofore been doggedly and repeatedly refused. "The party" were content with the mere affirmation by the President to the crowd of their innocence and purity, when he knew no more about their guilt than he knew of the facts of a certain event in this Capitol last winter, of which you and I, Mr. Chairman, knew all, and more than we wanted to know; about which, if the Tennessee papers are to be believed, the President has given another certificate, though he was more than a mile off,

and there were at least seven fathoms of bricks and mortar and stone between him and the place of the occurrence. They have made him a witness in both cases, where it was impossible for him to be a witness; and in giving his testimony he has been compelled to resort to his "imagination for his facts." I cared nothing for the certificates of the President, so long as they abided in the ephemeral form of heated partisan declarations along the public roads, or so long as they were read from the stump merely, a thousand miles off. But, sir, this "certificate in chief" is no longer a mere tavern *ipse dixit* on the highway, but it is to be filed in the archives of this Government, as a part and parcel of the "last annual Message" of the Greatest and Best! Perennis and Cleander have certified to their own good behavior, innocence, and purity, have incorporated their certificate in the "last annual Message," and have affixed to it the official sign manual of Andrew Jackson!

Is this certificate true? I put it to gentlemen if it be not true, whether injustice has not been done to Andrew Jackson, to those who have uttered just complaints, and to the public service, by this audacious forged self-acquittal?

Is it true or false, that the various executive departments have been conducted with ability and integrity, and that they are in a prosperous condition? That is the issue. How is it to be tried? Will gentlemen tell me that the President has tried the issue already, and that they are content with his certificate in form? Sir, I begin this session as I ended the last session, by asking the opportunity and power, and by claiming the right of an investigation by a committee, an efficient, able, and fair committee, with full powers to eviscerate the truth. The truth is all I desire. I make no accusations, no complaints, except of the denial of investigation.

If all have been conducted with ability and integrity, the departments have nothing to fear, and investigation may do great good. If it does not find and expose past fraud and corruption, it may prevent much evil hereafter, by the fear of scrutiny. I do sincerely, from the best of motives, earnestly desire to see the doors of the Treasury Department, of the Land offices, of the Indian bureau, and of other departments and offices, thrown open to full and fair investigation. We then can have the facts, of which to judge for ourselves, and on which to make up our own verdict. It is the duty of the grand inquest to find or *ignore* a bill for itself, and of the *venire* to try the issue and find a verdict for itself. No judge, much more no party, shall find a bill, true or false, or render a verdict for them. Cleanse the Augean stables, say I; and I say more. The Numidian king, when he was carried a captive to Rome, and saw the corruptions of her citizens, returned from the city with contempt, and said, "Give me wealth, and I will buy up the whole repub-

lic." Fanny Wright, I believe, uttered a truth, that whenever you see two men talking together, there are ten chances to one they are talking on one of three subjects—"trade, politics, or religion." The three subjects have, since she wrote the remark, entirely amalgamated into two. Trade and politics have now become one. Some of the priests, I am told, are offering to join the union, and mammon is the god of this day's worship. Trade, sir, trade swallows up every thing!

Tell me not this is the short session. Investigation was refused last winter, when the session was long. I know, sir, that this is an inauspicious period, perhaps, to expect gentlemen to look back at the past, or to pause a moment on the present. I know that every eye is turned, and every mind of gentlemen is bent towards the future. "Coming events, which cast their shadows before," are much more dazzling to their hopes and fancies than painful truths of the past or the present are to their memories or their wills. They know, sir, that some of the swarm of "conservatives" which are now fat and full of the blood of the Treasury, must be driven off for some of the lank and hungry "locofoco" flies, who are voraciously eager to light upon this poor body politic of ours. All things may not become new, but there must be some changes; and for every change there will be a chance for some impatient expectant. I know that General Jackson has been made to say, in this "last annual Message," "He that cometh after me is mightier than I;" but he has not been made to add—"Whose fan is in his hand, and he will thoroughly purge his floor." Sir, lest he may not purge his floor, I wish it to be swept clean for him before he comes in, so that Jackson may not be blamed after he is gone.

Certain it is I cannot anticipate; time must develop the course and the policy of the coming administration. And let no one accuse me of commencing an attack upon it in advance. No, sir; so far from it, though I hold Mr. Van Buren responsible for most mischief that has been done, and most that is now doing; though he has been the caucus candidate for the presidency, and was the nominated successor; though he is elected by executive patronage, corruption, and dictation; though he succeeds at the expense of the elective franchise; though he is a minority President, and has promised to follow generally in the footsteps of this kitchen-cabinet administration: yet, if he bravely dares to falsify that promise, "more honored in the breach than in the observance," if he will kick away the base ladders by which he has climbed to the height of his ambition, if he will now leave Falstaff where he found him, and array around him the wisdom, intelligence, and virtue of the country, and base his administration on a sound, elevated, and enlightened policy, free from corruption, and purely patriotic, uncontaminated by party, I will pledge my humble support to his measures, though I never can

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support the man, or pardon the past examples he has set. And why cannot I support the man whilst I approve his measures? For the very reason that he has not "entered in at the straight gate." I shall always eschew the example which has been set in 1836, as I did that of 1825, in the election of President of these United States. The one example has been rebuked with a vengeance—the other will not be forgiven by me.

Sir, in this contest, one great battle only has been fought between power and the people. The result is known. The conflict was not decisive, and must, as long as there is an honest heart to hope for freedom—shall go on until constitutional liberty, law, the independence of the people and their representatives, honesty, truth, and justice, are triumphant, or all are fettered in a despot's chains! Defeated, but not conquered; checked by the pratorian bands of patronage, but not arrested in their onward march, the patriot army is not discouraged or dismayed; smitten, but not struck down; the flag of the country is still flying! Defeat may drive some, the craven or the cormorant of spoils, from the standard of the true and the brave; but to the firm and proud spirits of the patriot band I would say, "Who shall separate us from the love of country?" Shall defeat? Another such defeat will be a glorious victory! In this "we are more than conquerors," for I am persuaded that neither office, nor bribe, nor principalities, nor powers, nor things present, nor things to come, shall be able to separate us from the love of our country, its laws, and its liberties! God only knows in whose name this victory shall be achieved: it matters not; but this I know, be he who he may, his cause will be consecrated by the toils, the prayers, the sacrifices, and the hopes, of the unsubdued and unfrightened freeman. No, sir; let no man despair of the republic. The fight is not yet ended. The people are not yet vanquished. Their hosts are withdrawn only for the moment, to recruit their forces and to repair their broken weapons. The weapons of our warfare are the weapons of truth. It shall be my duty to assist in pointing anew its spears and its lances.

The question on the resolution was then taken without further debate, and carried—ayes 86, noes 78.

So the resolution was adopted.

THURSDAY, December 15.

The President's Message.

The House resumed the consideration of the fifteenth of the resolutions reported by the Committee of the whole House on the 13th instant, on the President's Message:

Resolved, That so much of the President's Message as relates to the "condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful

discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of times as to them may seem expedient and proper.

Mr. PEARCE, of Rhode Island, went into an argument in opposition to the resolution. The resolution, he said, was predicated on a clause in the President's Message which was not usual, and perhaps its was gratuitous on the part of the President. The question was, whether it was necessary, because the President, in his last annual Message, with an overflow of feeling towards the heads of the executive departments—as he believed him to have the kindest feelings toward all men living—had thought proper to compliment them, it was necessary to have an investigating committee to ascertain whether he spoke the truth. Although it was not the usual course, still the President had a precedent. Many years ago, Mr. Monroe stepped out of the usual course to compliment the then head of the War Department, (Mr. CALHOUN.) But because he did this, no committee was raised to ascertain whether or not the compliment was deserved. He was opposed to the resolution, because the direct object of it was to ascertain whether the President spoke the truth or not. He then went on to show that all the subjects contemplated to be investigated by this proposed select committee, were provided for by the House in the appointment of the standing committees. Among these committees was that of Ways and Means; and it was the duty of that committee to take into consideration and report upon all "such reports of the Treasury Department, and all such propositions relative to the revenue, as might be referred to them by the House; to inquire into the state of the public debt or the revenue and of the expenditures, and to report from time to time their opinion thereon; to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments, and the

accountability of their officers." That committee was required to do all that any select committee, however raised, could do. Besides this, there were other committees, whose duty it was to examine into the condition of the departments, and the expenditures thereof. Every gentleman must recollect that, at the last session of Congress, a gentleman from North Carolina, (Mr. SHEPPERD,) chairman of one of these committees, investigated the affairs of some of these departments, made a report, and the report was acted on by the House; and could not that heretofore done be again done? He submitted to the House, then, to say whether this resolution was not gratuitous, uncalled for, and had nothing to justify it, except the paragraph alluded to in the President's Message. Another objection he had to it was, that gentlemen said it was not intended to be raised, out of any hostile feeling to the President of the United States. Well, what were the Secretary of State, Treasury, War, Navy, &c.? They were the mere mouth-pieces of the President; men selected to do what he could not do himself. Mr. P. read the law relating to the Department of State, showing its duties, and showing that the head of that Department was created to do for the President, under the law, that which the President could not do in person. How, then, could gentlemen say that the President was not implicated, when the acts of his ministers were nothing more nor less than his acts? Let gentlemen take the bull by the horns. If they had any allegations to make against the President, let them do so in form. While passing on the acts of his principal public officers, they necessarily passed on the acts of the President himself. He then proceeded to show that the laws of the land threw around individuals certain guards; they were not to be arraigned without notice, &c. But how were the heads of these departments to be heard and tried under the resolution? They were to have no hearing and no trial, and were to be disfranchised and divested of their rights, upon the mere rumors of newspapers and gossip of old women. There never was a committee raised upon mere suggestion and gossip, without something like a charge or an allegation. Then let the gentleman from Virginia, (Mr. Wise,) or any other gentleman, make out a charge against the President, and he might have as large a committee, and have it clothed with what powers he pleased; but until this course should be adopted, he was, and should be, opposed to the adoption of the resolution. Who could tell what powers this committee might assume? It might require the departments to submit to it all matters connected with removal, or it might assume any authority it pleased. The resolution claimed a greater scope for the committee than was ever granted to a committee of that House, or any other legislative tribunal. When were its powers to cease? Who could tell this? From the form of the resolution,

never; because they were to take cognizance of all matters, from all quarters of the Union; from every town, village, city, and hamlet; all causes of complaint, from responsible and irresponsible sources; of all the ten thousand charges which an old lady, who had charge of a paper in this city, had made, and the ten thousand more which she probably would make.

But, sir, said Mr. P., this was to be somewhat an *ex parte* proceeding. Suppose the heads of some of these departments shall have done some commendable acts. The committee will not be bound or required to look into it. No, sir, their object will be to arraign them and bring them to trial, and inflict punishment upon them. Perhaps the committee might wish to inquire into the causes which take some of the heads of the departments home to their native States, to ascertain whether they want to operate on the politics of such States. Well, sir, the Secretary of State went home during the last summer; and if his object was to operate on the politics of Georgia, he met with but poor success. The Secretary of the Navy also went home; but his going, if he did go for political effect, only added to the strength of the party opposed to him. If the results in those States were the consequence of their visits, it would have been much better they had not gone. But suppose as the President has said, that all of the heads of these departments shall have faithfully done their duty, we shall have no report from this committee on the subject. It was to be a fault-finding committee; their object was to condemn, and not to compliment, the President or his ministers. If there was want of fidelity in the departments, you would have no report from this committee. Although the Secretary of the Treasury may have his Department in such a condition that any thing which is brought against it, either from ghost or goblin damned, could not effect it; although the Postmaster General may have produced order out of chaos, and although the Secretary of War may have discharged with the greatest ability two offices, not a word will be said in their favor by this committee: their object, *ex vi termini*, will be to undo what the President has done; or, failing in that, they will do nothing. Committees of that House were raised for special causes, for causes shown. What were the causes shown why this committee should be raised? What were the specifications? Then, unless they were to innovate on the rules of the House, they could not adopt this resolution in its present form. Let a resolution be introduced in due form, and he imagined no friend of the Executive on that floor would shrink from an investigation. Let the charges be made against the Executive and his ministers, jointly and severally, and he thought he could safely say none would shrink from the investigation. It was not his business to go into Roman history, from the age of Augustus to that of Tiberius, for the purpose of finding out examples of men who

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had waded through blood to power; and if he did so, it was only for instruction, and to make him the more happy that he lived in a country where none of those scenes were enacted.

Many men, Mr. P. said, changed their minds and opinions of men, and got to disapprove the course of those they used to admire.

[Mr. Wise said, if the gentleman alluded to him, he must inform him that he never was in the situation of the gentleman from Rhode Island in his life.]

Mr. PEARCE proceeded. The character of a nation depended very much on the character of the individuals at the head of the Government. No nation was rendered more valuable by its resources than by the character and the reputation of the individual who presided over it. Why did Virginia hold herself so high? It might be somewhat on account of her soil, climate, and resources, but more because of her Washington, her Henrys, her Jeffersons, and her Madisons. Their characters not only gave character to Virginia, but to all the States. Why was he (Mr. P.) proud of the little State he had the honor, in part, to represent. He, to be sure, might be proud of her great resources; but more proud, because it was the land of Greene and Perry. Seven cities contended for the honor of giving birth to Homer; and tyrannical as Napoleon might have been, his name was revered by most of the French nation. What would England, the fast-anchored isle of the ocean, have been, if it were not for her poets, her philosophers, and her statesmen?

Mr. P. concluded by repeating that he could not vote for the resolution in its present form; and at the same time said he would not shrink from the responsibility of an investigation, if a proper committee was raised. He submitted to the House the following amendment: Strike out all after the word "*Resolved*," and insert the following:

"That so much of the President's Message as is in the following words, to wit: 'Before concluding this paper, I think it is due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with instructions to inquire into any specific causes of complaint which may be alleged against the integrity of the administration of any of the departments or their bureaus, or the vigilance and fidelity with which their duties have been discharged; and that said committee have power to send for persons and papers."

Mr. PEYTON said: I was, at first, somewhat surprised that the gentleman from Rhode Island (Mr. PEARCE) should be found in opposition to this investigation. That gentleman was once the zealous advocate of rigid scrutiny into all

abuses committed by public functionaries. In an elaborate speech upon this floor, he once sustained an investigation similar to the one now proposed by my friend from Virginia, (Mr. Wise.) I allude to the case of the Wiscasset collector. But, sir, the gentleman announces the fact that he has changed. He was then opposed to General Jackson—violently and bitterly opposed to him—and he manifested that opposition in every conceivable way, and upon every subject that arose. But having now become a Jackson man, he has undergone, it seems, a complete political transformation. And what a change! his old principles discarded, his mental vision in total and disastrous eclipse, he has closed his eyes upon fraud, and speculation, and plunder!

But, sir, has it come to this, that the gentleman from Rhode Island is put forward as the champion of Andrew Jackson? Has that distinguished citizen already sunk so low that his fame and reputation are committed to the keeping of such hands. Oh, spectacle, mortifying and humiliating, to the honest friends and original supporters of Andrew Jackson! those who fought with him, and voted for him! who advocated his first election upon principle! and who, unlike the gentleman, yet stand up the dauntless advocates of the same principles. What must they think, how must they feel, when they are informed that the President's reputation as a statesman has fallen into the custody of that gentleman, who, formerly a violent, loathed, and detested assailant, has thrown himself into the current of the President's popularity, strong enough to bear even him along, and is now become his pretended fulsome eulogist and defender?

But, sir, to the gentleman's objections, or rather his pretended objections, to the proposed inquiry. He has given a striking specimen of the cunning and tact of the sect to which he belongs, by the issue which he has made up—a false, hypocritical issue. What is it? Why, forsooth, that it involves the President's veracity!—that it will be, does the President speak the truth when he says that all the officers are "honest" as well as capable? and that he, good, tender-hearted man, cannot endure to hear any thing which infringes, in the slightest degree, upon the veracity of that high functionary. Under this false and fraudulent issue, the gentleman takes shelter, and expects to escape all inquiry, all investigation. Is argument required to expose a position so monstrous? Will not every high-minded man in the nation look upon it with scorn and indignation? Sir, I deny and denounce this as that false issue which has so long been the shield of the party, and behind which they always skulk at the slightest approach of danger. The President says they are honest, and the gentleman says you are not to prove them rogues, because that would be to make out the President a liar. What a position!

Did the President write the paragraph in his

Message, laudatory of these officers, which the gentleman himself admits is unusual in such a document, and which, I am sure, has no precedent or parallel? No, sir, not one word of it; and he does not know at this moment, that it is there? What is it, sir, which these gentlemen, so able and so honest, have introduced into the Message, and now claim that it is evidence of so high and sacred a nature that it cannot be examined or impeached? Here it is:

"Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation."

Did Andrew Jackson write this sweeping certificate of moral character for these gentlemen? No, sir, no. I plead *non est factum*. It is not his deed. They have fraudulently smuggled it into his Message, to evade scrutiny into their conduct. Instead of stifling inquiry, it is of itself a cause of suspicion. I say, sir, that the President did not write it; in support of which averment, I have evidence satisfactory, at least to my own mind, and such as should be made known to this House, to the country at large, and to posterity. It should thus be made known, in order to shield the name and fame of the President from that imputation which, in all time to come, would attach to them, in consequence of this flagrant abuse of the confidence reposed by him in others. The committee on the part of the Senate, which, according to usage, was appointed to wait upon the President at the commencement of the session, and inform him of the readiness of Congress to receive the very Message in question, found him extended on a sick couch, scarcely able to raise his hand. On the eve of their departure he urged the Senator from Tennessee (Mr. GRUNDY) to come back soon, and talk with him; that he was lonesome, wanted company, and wished to have his friends about him. The Senator (alas! that it should be necessary for him to invoke the attendance of friends, and of such friends!) did return and remained with the President more than an hour, during which time he never alluded to the subject of politics. He spoke of dying, of the Hermitage, of his hope that he might be spared till he could reach it in the spring. His thoughts were with his heart, "and that was far away," dwelling upon other and doubtless holier meditations than writing eulogies upon public functionaries, whose conduct he was in no situation to examine, and who, if they were honest, needed not his testimony to the fact.

But the gentleman from Rhode Island has another objection to the mode of proceeding

proposed by my friend from Virginia. He says that it is unnecessary, because, by the standing rules of the House, the investigation into all such matters is enjoined, as a duty, upon the Committee of Ways and Means. The rule alluded to by the gentleman reads as follows: "It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House, &c.; to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements, as may be necessary to add to the economy of the departments, and to the accountability of their officers." And yet the gentleman, in a subsequent part of his argument, contended that the exercise, by the House, of such a power as is hereby enjoined upon one of its standing committees, would be a disfranchisement of the heads of departments! An *ex parte* trial and conviction, according to the rules of the common law! The rule referred to by the gentleman shows the sense entertained by the House in relation to the necessity of such investigations as the one proposed into the state and condition of the several departments, with a view to the rigid accountability of public officers, and the legal disbursement of the public moneys.

But, sir, is the Committee of Ways and Means the appropriate committee to make such examinations? Look at the past. How long have complaints of malversation in office been ringing in the ears of gentlemen? Look at the formation of that committee. Its chairman (Mr. CAMBRELENG) labors under a political, if not a legal, disability to institute and conduct them with efficiency. Dare he move in such a cause? No, sir; he would seal his fate forever. But if that committee were forced by the House into the investigation, with what hope of success could we rely upon it! The head of each department would hand over to the chairman of that committee such a statement as he might choose to send here.

Why, sir, it would be like the trial of Reuben M. Whitney. Reuben has been tried, and, as you will be glad to hear, acquitted, since the last session. But how tried? Not by a committee of this House? No sir; he was tried on the other side of the Alleghanies, while the witnesses and the prosecutor were a thousand miles off. He was tried at Jonesborough, Tennessee, before the President of the United States; the prosecutor not my friend from Virginia, (Mr. WISE,) but one John Kennedy, who prosecuted Reuben so handsomely, that he has since been rewarded by an appointment. Reuben was arraigned before the President in a large crowd; the charges against him so drawn up that they could all be an-

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swered in his favor, without touching the true issues which involved his guilt or innocence. They, in effect, asked the President—is Reuben a saint, or is he a sinner? “He is a persecuted patriot, sir; persecuted on account of his opposition to the United States Bank.” “There!” said they, “do you hear that?” and the shout, hurra for Reuben, was loud and long. But, sir, the gentleman chose to wander from the subject before the House, and carry this political war into Tennessee. This is contrary to the policy of his State during the late war with Great Britain. She then had a higher regard for State lines and State sovereignty; her patriotism was only commensurate with her small limits.

He represents the President as going to the Hermitage on private business, and seems to justify all which his party attempted to achieve by the President's visit to Tennessee. A private visit to the Hermitage! They scarcely gave him time to shake hands with the old family servants at the Hermitage. He was hurried from place to place, dragged along through dust and heat to public meetings, at towns, and villages, and cross-roads, and country stores; carried through Tennessee and Alabama; brought back and taken through Kentucky, by the way of Cincinnati, to Washington. The friends of Mr. Van Buren resorted to every art to excite and induce him to take an active part in the election; and they now talk of a private visit to the Hermitage! Sir, I was told this morning, as I entered the Capitol, that some one of the members from Tennessee denied certain facts which every one there knows to be true. I hope, sir, that no such denial has been made. But, if it has, I stand ready to meet the gentleman, and maintain the truth of those facts anywhere. The President assailed me for the course which he said I had pursued in relation to the bill which contained the appropriation to carry into effect the Cherokee treaty before he left the city, which complaint he frequently repeated on his way to the Hermitage. At Knoxville, a gentleman produced the *Globe* newspaper, which showed that I had voted and spoken in support of that measure. But it had no effect, for he continued to speak of it as he had done before. At Sparta, he denounced my friend from Virginia (Mr. Wise) as a liar. At the house of Mrs. Saunders, in Sumner county, Tennessee, he stated that my colleague (Mr. BELL) “told twenty lies in one speech, and knew them to be lies at the time;” and that Peyton was a greater liar than Bell. In passing through the district of my colleague, (Mr. FORESTER,) his very able speech at the last session of Congress having been mentioned, the President stated that “any man could get as good a speech as that written at Washington for five dollars.” When asked how Mr. Huntsman was, in relation to political parties, “He is on the fence,” said the General, “and no one knows which side he will fall.”

The constituents of another one of my colleagues inquired, “Well, General, what do you think of our representative, Mr. Shields?” “Oh!” said he, “he is of no account, sir, no account; turn him out, and send some one in his place who is of some account.” I have repeated these things, sir, not on account of any pleasure they afford me, but because those very gentlemen who were the cause of these exhibitions are now denying them. Let any man deny this statement who dare.

But the gentleman from Rhode Island calls upon us to take “the bull by the horns;” “to move an impeachment against the President at once;” says that “he is accountable for the acts of his ministers, and any attack upon them is in effect an impeachment of him.” This is strange doctrine to me, sir. We wish to rope these calves, and drag them, bleating as they go, from the Treasury, for they have been sucking too long already; and the gentleman says no, “take the bull by the horns.” Move an impeachment against the President, indeed! He accountable, criminally accountable, for the want of integrity on the part of his ministers! Was there ever any thing more impudent than this? Because General Jackson is a patriot, does it follow that Reuben M. Whitney is any thing but what the world knows him to be? Because General Jackson is an honest man, does it follow that Amos Kendall, and all the other “hirelings,” as he calls them, are honest too? This, sir, is the doctrine of the party—the doctrine of men into whose hands the government of the country has fallen. But, sir, the gentleman, in thus shuffling himself under the protecting mantle of the President, but displays the usual tact of the party to which he belongs. They are all patriots, if the President be a patriot. They are all honest men, if the President be an honest man. Sir, let me put a case in common life to illustrate this doctrine; one which every farmer will understand. Take any man of seventy years of age, put him on a farm with sixty hands to control, give him a full crop—corn, tobacco, and small grain—can he manage them so that no part of the crop will suffer? Suppose his foremen are faithless and roguish, that they are detected marauding the country of nights, taken with their pigs and turkeys, their chickens and potatoes, upon them, could they plead the virtues of their master as a justification of their crimes? Could you not lynch them without meaning to inflict blows upon the good old man whose confidence they had abused? There is no man amongst them who can stand one moment upon his own merits. No, sir; they have crowded and huddled together under the mantle of General Jackson, until that is not broad enough to cover them; they have worn it threadbare, stretched and torn it into tatters. You may occasionally get a glimpse of Van's bald pate popped out here, Amos's sharp face there, Felix's red eyes yonder, Blair's shank at one

place, and Reuben's pockets filled with Treasury receipts at another; and now, sir, we have the gentleman from Rhode Island squealing around like an odd pig, for whom there is no teat, hunting a place to crawl in at. Now, sir, what I wish is, to strip the Jackson mantle off these gentlemen, and let them stand up for themselves. Every one knows that no gentleman upon this floor has any motive, any wish, to make an issue with General Jackson; that he cannot be the object of this resolution. His course is run, his day is past, his power is in other hands; and we wish to hold those gentlemen accountable for the manner in which they exercise it. There has been no investigation into the departments, which we propose to examine, for the last eight years. We wish to see a settlement of their accounts at the bar of the public, and the balance fairly struck between them and the people. They may be honest, very honest; if so, it is due to themselves that they show it. It may be otherwise; and, in that event, it is due to the country that we should have a committee of the House to show that. How is it proposed that they shall come to trial? Upon the certificate contained in the Message, and upon that alone. The gentleman himself admits that these sweeping certificates are unusual. I detest the whole system of certifying, which pervades every department of the Government, and can be traced from Reuben M. Whitney up, (I believe you cannot go from Reuben down.) Yes, sir, a coward, who shrinks and runs from an adversary whom he has injured, will get a certificate of his courage to use upon the stump; a traitor will get a certificate of patriotism; a rogue of his honesty; and a perjured witness of his veracity; and if you attempt to fix upon either of these his true character, he will ensconce himself behind his certificate. We ask permission to go into the various departments, and see what their true condition is.

But, says the gentleman, that is equivalent to an impeachment of the President, for here is his statement that all is well; "that there is no just cause of complaint from any quarter;" and the argument is, that if you find just cause of complaint, it will show that what the President has said is not true; and, therefore, if you do not mean to attack the President, there must be no examination whatever. We hold those officers, whose conduct we propose to examine, to be trustees; and we have reason to believe that they have abused their trust, and abused the confidence of the President, and demand that they shall give an account of their own conduct to the representatives of the people, and are met at once, and told that you are putting the President upon his trial; it is an impeachment against him; make out your specifications and summon him to the bar of the Senate. All we ask, sir, is, that the representatives of the American people shall send a committee and examine the archives, records,

and papers of their own Government, in any and all of its departments, and make their report of the facts to this House. We propose no criminal prosecution against any one, but an investigation into the condition of the departments, and the honesty and fidelity of the public agents; and this the gentleman calls disfranchisement under the common law. He was eloquent and extravagant in his eulogiums upon the heads of these departments; he spouted their praises in poetry, and I suppose he means they shall live in song and story. He says the Secretary of the Treasury has not slept upon his arms. No, sir, he has not slept; and the party should feel under the highest obligations to him, for he has so contrived as to make the Treasury and the public lands a powerful auxiliary to Mr. Van Buren in the late election. By the celebrated Treasury order, which he issued, requiring specie in payment for the public lands, with an exception in favor of citizens of the States in which those lands are situated, he in effect offered a bribe of one hundred dollars a head for votes in the States of Mississippi, Arkansas, Missouri, and Michigan, which was then looked upon as a State. For, sir, at the sale of public lands in Mississippi last fall, specie was worth at one time twenty per cent.; and, while the citizens of Tennessee, then considered in rebellion against Mr. Van Buren, were required to pay this enormous tax, the citizens of Mississippi, a doubtful State in the election, were exempt from it. At Government price, three hundred and twenty acres of land would cost the Mississippian four hundred dollars, while the Tennessean, for the same quantity, was compelled to pay the sum of five hundred dollars, from the necessity he was placed under, by this order, of raising specie. And, sir, this was not confined to the poor and needy, but extended to the nabob, with his hundreds of hands and thousands of bales, while the specie was exacted from the most indigent and meritorious Tennessean. This, sir, is what I call high-handed oppression on the one side, and wholesale bribery and corruption on the other. Philip of Macedon never made a more unblushing use of money to corrupt and enslave the people of Greece. This Secretary must be entitled to the praise, and something more substantial still, to a portion of the spoils of the party. The gentleman alluded, also, to the visit of the Secretary of State (Mr. Forsyth) to Georgia, which he calls unfortunate; true, his visit was unfortunate; and of the visit of the Secretary of the Navy (Mr. Dickerson) to New Jersey, which was also unfortunate. He seems unwilling to give them any credit for well-meant exertions, and "wishes to God they had stayed at home." This appears rather ungrateful, as they used their best exertions in the cause. It is true the gentleman attempts to conceal the fact; but it is notorious that the Secretary of State went to Georgia, and used every effort to rally his shattered forces; that he was openly

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electioneering for Mr. Van Buren. Amos, too, if I was correctly informed, made an excursion, for a like purpose, into New England. I am sure that I saw it stated that he had his face lithographed, and copies sent through the country, so that those who could not see "the divine original, might at least gaze on love's counterfeit."

But, sir, the gentleman assumes another ground in defence of these "ministers," as he calls them. He says the appointment of this committee would amount to a disfranchisement of those officers whose conduct it is proposed to scrutinize, by denying to them a trial according to the strict rules of the criminal law. This principle holds only where a man is on trial for crime. All laws are to be liberally expounded, so as to detect fraud, but strictly construed when you come to punish a criminal. The gentleman goes too fast; he leaps to the conclusion, leaving us at the beginning of this matter; while we are commencing the development of fraud and corruption, which the law abhors, he anticipates the awful result which may be brought about, and is appealing to your sympathy on behalf of the culprit. Now, if he will be patient, we will go on with him, and in due season we will lean to the side of mercy, and acquit wherever there is reasonable doubt. This is strange doctrine to come from that side of the House. These officers are the trustees of the people, and accountable to the people. They have been long in office, and are about entering upon a new lease; and now, when called upon to make an exhibition of their fidelity and ability, their friends upon this floor raise the cry of disfranchisement and summary punishment. I deny and utterly repudiate this doctrine. Sir, in private life, no one denies the right of a principal to look into the conduct of his agent. What would that principal think of an agent who would shut his books and say, I claim protection under the criminal code; you cannot examine these books, lest it may lead to a prosecution against me? What honest man would not say at once he was guilty? What judge would sustain the objection for an instant? Take the case of a guardian: a motion is made in court, a committee is appointed, and he is brought forthwith to a settlement; could he object, on the ground that the examination of his accounts might develop crime, and lead to punishment? And, sir, have not the American people the same power over these keepers of their treasure, and guardians of their constitution, laws, and liberties, which a court of justice can exercise over the guardian of an estate and the children who own it? Sir, because investigation may lead to such a discovery, it does not preclude investigation altogether. The gentleman's fancy seems to be haunted by the idea of criminal prosecutions and penitentiary punishments. Well, sir, his fancies may be realized; he may know something calculated to excite his alarm; it may lead to that, and I would not be surprised if, in

some instances, it did; but we move no impeachment, no indictment, no presentment, at this time. We merely ask that this House, as the great inquest of the nation, shall inquire into the state of the departments; and upon a report of facts, by a committee, it will then be able to determine what steps are proper to be taken. If crime is developed in any quarter, then it will be the proper time to bring offenders to trial, and they shall have all the benefits of the strict rules of common law, and criminal law, and the benefit of clergy likewise. Sir, there is something "rotten in Denmark," or we would not have this resolute and continued opposition to all investigation, which is calculated to show mismanagement on the part of agents and officers of Government. At the adjournment of the last session of Congress there were pending motions and resolutions calculated to effect objects similar to those contemplated by this resolution, and they were all smothered by the party to which the gentleman belongs, and, I believe, with his assistance. The gentleman dreads a select committee, while he is willing to go to trial upon the certificate of the President, and seems to have full confidence in the result, if the matter be intrusted to the Committee of Ways and Means. Yet, sir, he is alarmed at the idea of a select committee, and says it will be a "fault-finding, censorious committee." Have the gentleman and his friends any thing to dread in the appointment of this committee? Is the Speaker subject to the suspicion of doing injustice to any of the party in the appointment of committees? Sir, is it not a matter of absolute certainty that a majority of this committee, if appointed, will be composed of the friends of these officers? Cannot those gentlemen meet their own friends without fear and trembling? Is there not virtue and talent in this House sufficient to guaranty protection to the innocent, as well as to insure the detection and exposure of the guilty? Are gentlemen willing that it shall be understood, and go abroad to the country, that they cannot face such a committee, composed of gentlemen of the highest honor and purest principle, even though they are their own friends? And these, too, are the men in whose hands the Government of the country is placed, and who claim to be above suspicion, beyond the power of this House, fortified in upon all sides by the ramparts of the President's certificate.

There is one other position assumed by the gentleman from Rhode Island, which is quite original, and merits particular attention; it is this, sir: that the direction given at the last session to the bill commonly called the executive patronage bill, is conclusive as to the views of this House upon the subject of executive patronage. And he seems to draw an inference that the House then gave its sanction to all that had been or would be done in the way of executive patronage, in all its departments. What are the facts in relation to that case? A

gentleman from New York, (Mr. MANN,) on the 25th February, 1836, moved "that said bill be referred to the Committee on the Judiciary." My colleague (Mr. BELL) moved "it should be referred to a select committee;" and, pending these motions, a gentleman from Virginia (Mr. DROMGOOLE) moved "that the executive patronage bill be committed to the Committee of the whole House on the state of the Union," which motion took precedence of the others, and prevailed, and there the bill has slept ever since. The question of executive patronage was not taken up for consideration afterwards; and now the gentleman contends that the House having failed to act upon the subject, it was therefore against the bill, and in favor of executive patronage, to the fullest extent. Sir, during the last summer, in Tennessee, I endeavored to inculcate this doctrine, so far as to hold a majority of this House accountable for its failing to act upon this as well as some other important questions; but this doctrine was controverted by you and your friends. How would it hold upon another great question—the question of amending the Constitution of the United States so as to secure the election of President and Vice President to the people, at all events and under all circumstances? For the last two sessions of Congress this has been a leading question, and afforded a fair opportunity for the party to show their zeal in carrying out the measures of General Jackson. I, and the friends with whom I act, have ever been in favor of that measure. At the session before the last, soon after it was known that Judge White was a candidate for the presidency, and while we were urging the House to take up the resolutions upon that subject, the present Speaker (Mr. JAMES K. POLK) made a speech, in which, after professing a willingness to go for the measure, objected to acting upon the subject then, alleging a want of time, and also some imperfection in the resolutions. I followed in a few remarks, in which I urged the importance of speedy action on the subject, and reminded the Speaker of his former course in relation to the matter; and, though he spoke against us, he voted with us to take up the resolutions. His friends, however, took their cue, and followed his precept instead of his example, and the resolutions were postponed. At the last session of Congress the same subject came up, with no better fate than before. It was with great difficulty we could get a report from the committee at all. They all professed to be in favor of the amendment. Oh! yes; but they seemed to agree to differ as to the mode of effecting it; and, at last, when the report came in, it took the same direction with the executive patronage bill, or something like it. We could not bring the gentlemen to a vote on either. And is it to be understood, now the election is over, (I know that it would not have been admitted before,) that all those who voted to give those important

measures the go-by are to be set down as voting against them? If so, how do the party stand upon the great leading measures of General Jackson's administration? If we call upon gentlemen to walk in the footsteps of the President upon that oft-repeated but never heeded recommendation in regard to the election of President and Vice President, are we to be told that the House has already decided that question against the President's recommendations, by refusing to vote on the question? Are we to be told, if we propose to limit executive patronage, that the House has already decided that question in the same manner, and has sanctioned the full extent to which executive measures have been recently carried? And, sir, what is that extent? It is sufficient, if not checked, and grows into a settled precedent, to rivet chains upon us and our children forever. Such a precedent will authorize a President to make the nomination of his successor a cabinet measure, issue his proclamation calling a convention to confirm that nomination, and denounce, in advance, all who dare oppose the nominees before or after the convention acts, as "assailing public virtue, and opposing the right of the people to govern." For, sir, this has been done in the late nomination of the "Government" candidates, as they are called in the English journals. Was that ticket so remarkable for its purity and virtue, that to oppose it was to assail the virtue of the people? Mr. Van Buren had promised to walk in the footsteps of General Jackson, and is, consequently, bound in due time to nominate his colleague (Colonel Johnson) for the presidency, order a convention to ratify his nomination, take the field, and secure his election by the use of all the ways and means in the power of the Executive. This, sir, is the extent to which executive patronage has already gone, and which the gentleman contends has beforehand been sanctioned by this House. This, sir, is what I deny. Whatever this House may be destined to do, it has not come to that yet.

Sir, I was not prepared for such doctrines, and I must say that I was not prepared for the opposition to the proposed investigation. I had hoped that gentlemen would have become ashamed of screening these officers, who, instead of running to General Jackson for certificates of moral character, should be the first to demand an investigation. But, sir, will the people of the United States be satisfied forever that they shall shrink from responsibility, hold up General Jackson's character as their shield, and thereby escape a scrutiny of their conduct? If they have acted honorably, we wish them to show it; if those suspicious, so common, so universal, are groundless, we wish the country to know it. Innocence never seeks for safety in flight, in concealment; but rather courts investigation and defies scrutiny. How can gentlemen reconcile innocence with this trembling and shrinking—this shielding themselves under the numerical strength of

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their friends in this House? This was their course at the last session of Congress. Remember, sir, what fatality attended every effort to obtain a committee of investigation then. Recollect the extraordinary and obstinate protection extended to that darling Treasury-pet, Reuben Whitney. Let it also be remembered that the Committee on Indian Affairs unanimously recommended an inquiry into the abuses of that bureau, which would have developed the causes of the late and present Indian wars in the South. That committee reported a resolution authorizing any two of its members to prosecute the inquiry by taking testimony for the information of the House at this session. But, sir, this resolution, reported by a committee a majority of whom were in favor of Mr. Van Buren, was rejected in the House. The citizens of Georgia and Alabama petitioned and implored the House to investigate that subject, alleging the most unheard-of frauds and abuses. Upon this application the vote stood: Ayes 77, noes 77—a tie; and the Speaker gave the casting vote against the investigation. Sir, men high in favor and high in office were suspected. The agent of the Government, John B. Hogan, gave the Department official information of the greatest outrages practised upon the Indians which were ever perpetrated upon any people, savage or civilized. He was very soon removed, or rather promoted, from Indian agent to be collector at the port of Mobile. And yet, sir, we have no account of prosecutions, convictions, and punishments, which have followed his disclosures. Why, sir, those speculators, or rather Indian robbers, would find an old chief upon his patrimonial estate, where the chiefs and kings of his race had lived for centuries before him, with his slaves and his farm around him, smoking his pipe amidst his own forest trees, spurning any offer to purchase his home; and they would bribe some vagabond Indian to personate him in a trade to sell his land, forging his name; and the first intimation that he would have of the transaction, would be his expulsion, by force, from his house! This was common; and not only so, but, under the pretext of reclaiming fugitive slaves, the wives and children (of mixed blood) of the Indians were seized and carried off in bondage. The famous Osceola himself had his wife taken from him, and that, too, it has been said, by a Government officer, and was chained by the same officer to a log. Sir, what else could be expected but that these scourged, plundered, starving savages would glut their vengeance by the indiscriminate slaughter of the innocent and helpless families of the frontier, whose blood has cried to us in vain? This has caused the Florida war, which has produced such a waste of treasure, the loss of so much national and individual honor, and of so many valuable lives! This has called the gallant volunteers from my own State, and from my own district, who have traversed a thousand miles to fight a battle of strangers; to contend

with a savage foe, while drinking those stagnant waters, whose malaria is death, many of whom are left in the wild woods of Florida, where "the foe and the stranger will tread o'er their heads," while their fellow-soldiers are far away, happy at home with their friends and families. One—ah! sir, any one of those noble youths, who now sleep under a foreign sod, was worth more than the whole army of plunderers who have caused the mischief. And yet, sir, such men as these were shielded at the last session of Congress by the casting vote of the Speaker. And now, according to the argument of the gentleman from Rhode Island, the House has sanctioned all they did.

I think, sir, it is time for this course of things to cease. It is time for the people to know something of the conduct of those in whose hands the public business is intrusted, and who really administer the Government. They have been behind General Jackson long enough. I was present when Mr. Van Buren took his position there. It was a striking display of that paternal care which the President has extended over Mr. Van Buren. In the spring of 1834, the President, Mr. Van Buren, and a few other gentlemen, I amongst the number, rode out to the Washington course to witness a trial of speed, (an amusement of which I am very fond, and for which the President had not altogether lost his taste at that day.) It was a trial run between the celebrated Busiris and Emily. The horses were brought on the course; all was calm and quiet until the rider of Busiris mounted, when the old courser began to rear and plunge; this seemed to stir the mettle of Old Hickory; he reared upon his stirrups and took command: "Hold him," (said he to the boy,) "don't let him run against the fence." "You must break him of that, sir," (to the trainer,) "I could do it in an hour." Turning to me, he said: "Take your stand there," (pointing to a position on the side of the course;) "there is but one place from which a horse can be correctly timed." I took my station with lever in hand. "Now," said he, "come up, and give them a fair start." At this moment he discovered the Vice President, who had come up and taken his position near me; he exclaimed with great emphasis and earnestness of manner, as he flashed his eye from the excited animals to the Vice President, "Mr. Van Buren, get behind me; they will run over you, sir." It would have done you good to see how natural and easy it was for Van to slope off behind the old chief. And, sir, there he has been ever since. Old Hickory would not get out of the way for us to run over him; if he had given us a fair chance, on any stretch or turn during the whole race, we would have run over him or made him fly the track. But, sir, we have got him on the repeat; the General will be out of the way; he is no game-horse, and we will make a case of him on the repeat. I do not complain so much that the President has fallen in love with Mr.

Van Buren, but I claim the privilege of falling in love with whom I please; and this, sir, is the last privilege which will ever be surrendered by man, or woman either. But, sir, Mr. Van Buren is in love with the President, too; and he accidentally found it out. The manner of this discovery is somewhat curious. I do not know this to be true, but it was much talked of and universally believed in this city. Mr. Van Buren was in conversation with a lady, an intimate friend of the President, amiable, interesting, and remarkable for communicating to him whatever she thought would be agreeable for him to hear. Mr. Van Buren said to this lady "that he had been reading much, and thinking deeply, of late, upon the characters of great men, and had come to the conclusion that General Jackson was the greatest man that had ever lived in the tide of time; that he was the only man among them all who was without a fault." The fair friend of the President was delighted. "But," said he, "whatever you do, don't tell General Jackson what I have said. I would not have him to know it for the world." You see, sir, that he was afraid she might forget it, and therefore thought it safest to jog her memory. But, sir, he might have saved himself that trouble, for the excellent lady flew to the President, and told him all that had passed. "Ah! madam," said he, with tears in his eyes, "that man loves me; he tries to conceal it, but there is always some way fixed by which I can tell my friends from my enemies." Now, sir, Van was like the Frenchman, (though I want it distinctly understood that I differ with him about this, as well as about many other things.) A Frenchman began to write his deed thus: "Know one woman by these presents." "Why," said the other party, "do you not put it, know all men by these presents?" "Vell," said he, "is it it not de same ting? If vone woman know it, will not all de mens find it out?"

Mr. RIPLEY said: Had this been a proposition to inquire into the condition of the Department of State, of the Treasury, of the Navy and War Departments, and the General Post Office, with a view to investigate abuses, if they exist, no person would be more willing to join in the inquiry than myself. No individual would be more anxious to enforce the responsibility of subordinate officers. There are none who will go farther to ferret out any malpractices; and, if they really exist, to punish them with the high constitutional power of this House. Had the resolution for inquiry had these objects solely and honestly in view, I should have been the last to oppose it. But, sir, the President is constitutionally responsible for the whole of the executive department; the various radii of its powers concentrate as well its responsibilities as its honors upon him; and when I take these circumstances into view, and consider also the spirit in which this debate has been conducted, the position of the President cannot be observed without exciting

our share of sympathy. Shall we, at a moment when his connection with the people of the United States is about to terminate forever, and all the aspirations of ambition are to be dissolved by age, infirmities, and sickness; when the consciousness of his high and devoted services, which we all know he must possess, and the enthusiastic affection of the American people, were about to cheer the evening of his life, and to gild his expiring lamp, is it right or proper for the representatives of the people, whom he has succored and saved, to cut off this departing solace, and to imbitter his last days, by adopting a resolution which, if adopted, will sanction an opinion of this House, that corruption and Andrew Jackson have been coupled together? Will they do this without some specific charge, without some definite allegation, sustained at least by the endorsement of one individual in the House, who will be willing to give his name to posterity as the author of the allegation. In the speech of the honorable member from Tennessee, marked with so much wit and pungency of satire, the allegations are made against Andrew Jackson, as the object who is to be convicted of the corruption which is so broadly insinuated in the resolution to exist in the executive department. I am not willing to exercise the high constitutional powers of this House, in the least degree, in sanctioning such an allegation.

General Jackson, after a life spent in the service of his country, is about retiring from the elevated position he holds as presiding executive officer of these States, at an advanced age, and worn down by the labors spent in that service. He is now, sir, on the bed of sickness, which may prove his bed of death. God grant that it may not, but that he may live many, many years amongst that people whose rights he has so bravely and honestly defended, and whose prosperity under his successful administration, has excited the astonishment of the whole civilized world.

What, sir, is the relation that Andrew Jackson bears to the representatives of the people of the United States? From the period of your revolutionary war to the present moment, he has been the lofty, indefatigable defender of his country. In war and in peace, on the battle field and in your councils, his exertions, his toils, and unceasing energy and integrity, have done as much as any other man, not excepting your Washington in the field, and your Jefferson and Madison in the cabinet, to elevate the character of this republic, to advance its prosperity, and to preserve its peace. His name has been a tower of strength, and under his administration the character of an American citizen, as was that formerly of a Roman citizen, is a passport throughout the world. Aye, sir, in foreign lands, wherever your star-spangled banner displays, from the high and giddy mast, the character of our republic, under the aegis of the lofty virtues of the President, has that wall of strength that feels ever con-

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scious of the protection of a great and powerful nation. And would you, sir, would this House, after a life thus spent, and which impartial history is about to take charge of for the benefit of his country; would they at the eve of his long life, so worthily spent in all that is patriotic and virtuous in the public service; would they pursue him with insinuations that corruption, with its blighting mildew, had found entrance into the bosom of Jackson's more than Roman virtue? If this House institutes the inquiry, it sanctions the charge; and will they, without any specific allegations, just at the close of General Jackson's career, hold the fatal chalice to his lips, which should poison and imbitter with the stings of ingratitude the evening of his life? We have had no precedent to justify such a measure. Party spirit has raged and misrepresented all your Presidents during their term of office; but they have passed and are passing off the stage, all with the award of official and personal integrity. Some have not been re-elected by the people, but against them no charge of corruption is found imbedded in the annals of the country. Nor does any American citizen, at even this lapse of time, impeach their integrity; no one charges them with wilful or wanton corruption, while administering the affairs of the Commonwealth. The only allegations made against them, as they quit the scene of their labors, of their glories, and their services, were, that a distinguished member, formerly from Virginia, accused Mr. Jefferson of retiring with a political falsehood in his mouth; and an equally distinguished member from Massachusetts moved his solitary vote to impeach Mr. Madison. I have no doubt, sir, after the excitement of party was over, both of these gentlemen regretted these allegations. The charges never have and never will affect the great patriarch of liberty, the author of the declaration of independence, or his equally illustrious friend, the founder and champion of our constitution. The one unfurled to the world the principles of popular government; the other, more than any man, connected liberty with law—secured an equality of political rights, by securing to society the fruits of labor. Wherever oppressed man rises to resist the oppressor, the declaration drawn up by Thomas Jefferson is invoked. Wherever constitutional law is appealed to, to secure those rights, the political writings of James Madison form the pure fountains of living water which diffuse liberty and tranquillity amongst the nations. Together, locked hand in hand, they are working their silent way, and they have planted that school of political liberty, of which this republic may arrogate to itself, through their exertions, the being the founder.

Republics have been accused of being ungrateful. Aristides was ostracized for being called the Just, and Themistocles banished, after saving his country from desolation. The authors of these acts have not transmitted their

names to posterity. How keen would be the reproaches of the history of the last two thousand years, how withering their infamy, if they had not escaped by this silence of history. General Jackson has been doomed to meet the same ingratitude, after preventing the dismemberment of our republic, after rescuing the fair and fertile fields of the State which I have the honor to represent. There, sir, helpless age and tender youth, and all the charms of refinement and beauty, were protected by his hand. There, sir, was effected one of those signal deliverances of a people which has already caused the plains of New Orleans to rank with Marathon and Platea, reflecting all its bright lustre upon the army of liberty that fought under him, and sending all its glowing light throughout the world, to elevate the character of this republic. Sir, almost at the moment this was effecting, and while painting, history, poetry, music, and sculpture, were giving greenness to his immortality, the Senate of the United States were denouncing him in the Seminole war. Sickening with the same feelings that were pained at hearing Aristides called the Just, the detractors of Andrew Jackson loathed the beau ideal of his character. Again, during the panic, that same body have impeached and condemned him, without a trial, for an alleged violation of the Constitution of the United States. How, sir, have the people met these charges? They have almost by acclamation elected him President on each occasion. They have rallied to defend him. Where, sir, are his accusers? I ask again, where are they? And, sir, permit me to predict that if the present resolution passes, it will only reflect disgrace upon the present House of Representatives. The people will come to the rescue, and expunge the resolution from this House, as I trust they are about expunging a former one from the Senate. The whole future history of the country will hold up in proud relief their old chief, *sans peur* and *sans reproche*, and the ingratitude of this House in pursuing him with the odious charge of corruption, even upon the bed of sickness and of death, when I do not believe there can be a member here who conscientiously believes that Andrew Jackson ever was, in thought, word, or deed, unfaithful or inimical to the interests of this country.

I regret that the honorable member from Tennessee should have been so excited by a warm election contest as to urge, upon such trivial grounds as he has alleged, so grave an inquiry into the corrupt conduct of the executive departments. The State of Tennessee has been reared under the fostering and paternal care of Andrew Jackson. He has done more than any other man to elevate and form its character. Intelligent, chivalric, patriotic, and virtuous, they will be the last portion of the people of the United States to sanction allegations, either personal or as the constitutional head of the Government, against their veteran chief. Those brave men who followed his

banner through the Creek nation, and on the plains of New Orleans, with the citizen soldiers of Kentucky, Mississippi, and Louisiana, are not to prove so recreant to Andrew Jackson, and so unfaithful to themselves, as to imbitter the remnant of his days with so unjust an accusation. And what are all the allegations that the honorable member adduces to justify the exercise of the high constitutional power of this House? That the President, in a conversation with a friend, had remarked that Mr. Bell, another member from Tennessee, had stated lies about him, and that "Peyton could tell twenty lies to Bell's one." Now, sir, what were the facts in the case? The honorable members from Tennessee at the last session had indulged in pretty severe censures upon the President's administration. In conversation with his neighbors, according to this statement, in naturally vindicating himself, he had pretty warmly recriminated. I think the language that he made use of, as is usual on such occasions, must have undergone, in the course of its gossip, some version before it reached the ears of the honorable member; for it is not the language of that delicate and manly bearing which all know mark the character of Andrew Jackson. At any rate, is a mere controversy in an election, where the President and the honorable members from Tennessee, in the exercise of their constitutional rights, supported different candidates, to be the basis of an inquisitorial examination, on the part of this House, into the conduct of the executive departments?

Again: the honorable member alleges that this House refused to institute an inquiry into frauds that were perpetrated upon the Indians of Alabama, by the citizens of that State, in the sales of their lands to individuals. When that resolution was introduced into the House, I had the honor of proposing an amendment to it, referring the subject to the President of the United States. The motive for this amendment was, that this House had no constitutional power to order the investigation by their authority; and, if it had been done, it would have been one of the most fatal precedents to the rights of the States. It was alleged that the Indians had been swindled out of their reserved lands, in many cases, by residents of Georgia and Alabama. Of course, if offences had been committed, as I know of no law of the United States providing for such cases, they were common law or statute law offences against those States, not cognizable by the United States tribunal. In a case where the State of Alabama secures a speedy trial by jury, and a cross-examination of witnesses, would any person arrogate to this House the power to send its committee to make an *ex parte* investigation, to hold up its citizens as malefactors, without being heard, without the privilege of counsel, and the cross-examining of witnesses? Suppose, sir, that, in obtaining the charter of a bank in a neighboring State, respectable citi-

zens should be accused of fraud and bribery, an offence that is punishable by the common law of that State, does this House, sir, possess the power to trample upon State rights, and send its committee of inquisition into the halls of the State Legislature, to hunt up *ex parte* testimony as its basis, and to hunt down all that is respectable and venerable in the character of its citizens, to condemn them unheard, without grand juries or petit juries, and draw up a withering report, that would blast them as far as our language extended, before they had an opportunity of defending themselves? If this power had been exercised by the original resolutions of last session, like the Council of Ten at Venice, or the Holy Inquisition of Spain, it would have sung the requiem of public liberty, and broken down the whole penal jurisdiction of the independent States. And I feel peculiar personal consolation in being the means of arresting the progress of a measure so fraught with disastrous consequences. The subject was referred to the President, who was directed to investigate into the cases of fraud. From the character of the agent employed by the President, (General Hogan,) I feel confident, from my knowledge of the man, that the duty has been faithfully attended to; and if, as the honorable member suggests, he has received the collectorship of Mobile, it cannot have been conferred upon a more deserving or more intelligent citizen, or one who has more gallantly defended his country during the gloomiest period of the late war.*

The honorable member has also referred to the Secretary of the Treasury as being embraced in the general allegation of corruption. Sir, the lofty character of Levi Woodbury is too well known to this House and to this nation to require any comment from me. Born, reared, and educated, amidst the granite mountains of my native State, his stern and sterling virtues had already carried him to the highest honors of New Hampshire, when, in the midst of the panic battle, he was called to the arduous duties of the Treasury of the United States. New England may justly feel proud of the high character which he has reflected back upon his native land. And let me ask, what inducement to corruption can there be on the part of Levi Woodbury? There has been no specific charge against him; not a whisper of prejudice that he has done any thing to forfeit his exalted character. He is affluent in his personal situation, with every thing to make him happy in domestic life; and, above all, principles of the most stern and unbending integrity are interwoven with his nature. The only allegation insinuated against him is, that in the exercise of his duty, imposed by a law passed by this House, he is compelled to transact official business with the agent of the deposit banks. That agent is no officer of this Government; we

* General Hogan served with great distinction in the staff at Chippewa, Bridgewater, and Fort Erie.

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have no constitutional power over him. He has been assailed by the severest epithets of party. He has been employed by the deposit banks, many of them in opposition to the administration, to attend to their business with the Treasury. For my own part, I do not learn any specific charges with which he is accused. And I have no doubt that the President, when he gave him the character which the honorable member states that he did at Jonesborough, came to the honest and conscientious conviction that such a torrent of anathemas from the opposition in this House, assailing the character of this man for more than four years, would have annihilated him, had not his reputation been founded upon the rock of integrity. High-sounding epithets and bold denunciations cannot, thank God, blast the character of any American citizen, unless they are accompanied with specific allegations and specific proofs. On the contrary, they raise in the generous minds of the American people that spirit of sympathy for unmerited persecution, which is sure to protect its intended victim, and roll back the current upon the author.

I feel, sir, that I should have but unworthily discharged my duty as a Representative of Louisiana, had I not raised my voice in opposition to this resolution. Whatever may be the personal or political predilections of my constituents, gratitude to Andrew Jackson for the inestimable benefits he has conferred upon the citizens of our State, is an almost pervading sentiment. It is, like the vestal flame, guarded with intense care, and faithfully transmitted from one generation to another. As the 8th of January revolves its annual rounds, so often does the hoary veteran who shared in the memorable campaign repair to the grass-grown hillock which marks the battle field, and recite the eventful story to his children. Often are time and space annihilated, and the years of his pilgrimage recalled to the desperate conflict; and in those rural fêtes, which none know better how to grace with refinement and beauty than the gallant Frank of our sunny clime, the revered name of Andrew Jackson is never forgotten, and the choicest of Heaven's blessings are invoked upon the patriot's head.

Mr. A. MANN said that, of all the debates to which he had ever listened, this was the most useless. The cry of corruption had been raised against the heads of these departments for two or three years, without there ever having been any specific charge of corruption or maladministration. He, for one, should be well pleased to see the accuser come face to face with the accused. If there was corruption anywhere, let it come out. But these general charges were made to extend to every nook and corner of our Government. Why was this? The cry of corruption was raised, but why did not the gentlemen show the act and point to the man who was guilty of it? Who was he in whom corruption had been found? He, Mr. M., would assert, on behalf of the executive

departments of this administration, that their officers courted investigation, and were desirous that your committees should be sent amongst them. He was in favor of investigation, but the resolution of the gentleman from Virginia contained merely general charges of corruption. He was in favor of Mr. PEARCE's amendment, and would give power to a committee to investigate any specific charge which any member might make on this floor, or which any individual of a respectable character might make elsewhere. But let the investigation of the committee be confined to the particular charge which might be made. If there was corruption, let it be made known; if not, let not gentlemen be convicted upon mere general charges, having no proof to sustain them.

In reply to a question from Mr. UNDERWOOD, Mr. MANN explained, that he did not say that he should vote against the original resolution, if the amendment be not adopted, but that he preferred the latter.

Mr. UNDERWOOD said, the true question is, whether we have a right to make the examination before charging any offence; or must we specify offences at random, and then call for a committee to ascertain their truth? If it was a mere copartnership between the heads of the departments and the representatives of the people, we should have the right to inspect their books and papers; and a refusal on their part to let us do it would be just cause for dissolving the concern. But, sir, it is not a copartnership in political trade, where each member of the firm shares the profits according to the capital of intrigue and management he contributes. Such a doctrine is only current with those whose motto is, "to the victors belong the spoils." The people of this nation, in whose place we stand, do not admit the existence of any partnership with their rulers. It is no joint-stock company. Those who rule in the executive departments are the mere agents of the people, the trustees for their use; and we, temporarily clothed with the power of the people, as their representatives, have the same right to call upon those agents and trustees to exhibit all their books, records, and accounts, touching the affairs of the Government, that the merchant has to call upon his factor, or the landlord upon his steward. Sir, this right is the true basis of American liberty; it is the essence of responsibility; and if it be not practically exercised, the people can never settle their accounts, or know how they stand with their rulers; and when the gentleman from Louisiana (Mr. RIPLEY) seemed to deny the very existence of such a right, I felt that he was uttering sentiments and opinions more congenial to the monarchical atmosphere of Europe than the republican expanse which encircles the States of this Union. If there is no such right, liberty is dead, and despotism reigns.

But, sir, the abstract right has not been positively denied, although it has been treated as

if it did not exist; and the manner proposed for its exercise, by the amendment of the gentleman from Rhode Island, rather implies a want of right or authority to send out a committee to make a general examination. The gentleman from Rhode Island is an astute lawyer; and, if he will reflect a moment, he must be sensible that the course indicated by his amendment is a departure from the settled practice in courts of justice, designed to bring the violators of the penal code to punishment. By their practice, the grand jury is first empanelled and sworn to inquire; and, sir, the grand jury is unrestricted in its inquiries. It has no limits, but may take a range of investigation coextensive with the penal laws of the land. The grand jury indicts and presents, and gives shape and form to the charge. After the grand jury has specified the time, place, circumstances, and manner of the crime, then comes the *venire*, and the accused is put upon his trial. The gentleman's amendment reverses the order of things. He would have the prosecutor to state the charge by guessing, and without the examination of any witness before the grand jury, or a court of inquiry, and then he would forthwith enter upon the trial. Only indulge the gentleman in such a course—a course which subverts the settled wisdom of the country, growing out of the experience of ages—and I will venture to say that no culprit ever could be convicted, with the gentleman's talents employed in the defence. This House is the grand inquest of this nation, and I, for one, Mr. Speaker, will never consent to trammel its investigations by adopting a limited rule, such as the amendment proposes.

The gentleman from Louisiana (Mr. RIPLEY) seems to consider the original resolution, which contemplates an examination of the departments in all their ramifications, as an insinuation against the integrity of the President. He (Mr. R.) will not look into the condition of the departments, because the President has certified that all is well; and to look for himself and his constituents after that, would be to suspect the truth and honesty of the President.

I was astonished to hear such sentiments avowed on this floor. They are, in my opinion, exotic, plants which should never be permitted to take root in American soil. It is the doctrine of passive obedience, of quiet acquiescence in the will of a master. Sir, the gentleman forgets that eternal vigilance is the condition upon which public liberty depends. We should receive nothing without examination, without sifting it thoroughly, and ascertaining for ourselves and our constituents all its properties and qualities. If we are to take things on trust, our presence here might as well be dispensed with, and we had better surrender at once all the powers of government into the hands of a truthful and honest President. Sir, I have nothing to do with the truth or honesty of the President. I shall neither concede nor deny him these qualities upon this

occasion. By his "fruits" I know him. But as he is soon to retire from his station, and as it does not affect the principles for which I am contending, whether he is truthful and honest or otherwise, I shall not stop to inquire into such personal qualities. But suppose it were conceded that his character for truth and honesty stands as high as his warmest admirers would place it, are we to abstain from an examination into the conduct of our public functionaries, and the situation of their offices, merely because the President is of opinion they have done their duty? The President's certificate in their behalf is nothing more than his opinion; he does not inform us that he has made a minute and personal examination into the condition of the departments, and that his opinion is the result of such examination. We know that the President's official duties have required a great deal of his time. His absence last summer, and his recent illness, connected with his official engagements, have allowed him very little time to devote to the examination of the departments; and hence, sir, this House and this nation may form a very different opinion in regard to the heads of the departments and their conduct, from that expressed by the President; and all this may be done without assailing his personal character.

The gentleman from Rhode Island (Mr. PEARCE) seemed to oppose the proposed investigation because he apprehended there was a lurking purpose to depreciate, if not slander, the characters of those who are at the head of the executive departments. I am equally sensible, with that gentleman, of the value to this nation of the reputation of our public men, and I have had cause to regret the unmerited reproaches and vile calumnies which are often cast upon them by a corrupt partisan press; but I cannot perceive any good reason for opposing the original resolution, lest the characters of those high in office might suffer by its adoption. We must take it for granted that the committee will report nothing but facts. If the facts are of such a nature as to produce censure, degradation of character, and expulsion from office, it will be much more creditable to the nation and its institutions to expose the base motives and bad acts of exalted functionaries, than to leave them unmolested in their high places, presenting a fair exterior to dupe the world, while all is disgusting filth and rotteness within. I admit there is a diminution of national character whenever any of our high officers are shown to be unworthy of their stations; but we had better lose in this respect than to wink at corruption for the sake of appearances. By detecting, exposing, and punishing, political criminals, those who offend against the statutes and principles of liberty, there is a national gain of reputation, which more than counterbalances the loss I have mentioned. The gain consists in the manifestation of a sound state of moral and political sentiment, which will not allow offenders to

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escape with impunity; and the assurance we find in the stern political virtue which condemns the official knave, that our free institutions are destined to last forever. Now, sir, let us test those principles of loss and gain, by instituting the fullest and most unlimited inquiry; and if the result is, as some predict, that the characters of our cabinet ministers will shine the brighter from having passed the ordeal, the nation will gain much by the conviction that existing suspicions are not well founded, and by the increase of the reputations of those high functionaries.

It has been said that the original resolution proposes a new thing, for which there is no precedent in the history of this Government. Grant it, and what of that? Is not the President's laudatory certificate in behalf of all the executive departments and their officers a new thing in the history of this Government? What former President ever did the like? If the President introduces a new practice, may we not meet it by an appropriate novelty? If the original resolution is amended, it should be done by providing for the appointment of a separate committee to examine each department. One committee, I fear, cannot go through the whole. If such a practice had prevailed, as I think it ought to have done, from the commencement of the Government, I have no doubt that many things which have been improperly done would not have taken place. Early impressions, Mr. Speaker, are never forgotten. The first lesson taught me, as a member of the Kentucky Legislature, many years since, was the propriety of appointing annually a committee to examine each department of the Government of that State, and to report upon its condition. The offices of our State—Auditor, Treasurer, Register, &c.—are annually examined by a separate committee, and reported on. We do not take the Governor's word that all things are going on well; but the representatives of the people investigate for themselves and their constituents; and the same practice should prevail in this Government, henceforth and forever.

If, Mr. Speaker, I have satisfied the House that we possess the power to make a general examination into the condition of the departments, without stating beforehand any specific abuse or malfeasance as the object of inquiry; if such power necessarily results from the legislative powers vested in us by the constitution, and from the power of impeachment, then there is nothing left to be considered but the propriety of exercising the power at this time. It is nothing more nor less than an exercise of the right to examine a department when this House calls for a report. We have as much right to appoint a committee to ascertain a fact by inspecting the records of a department, as to require the head of the same department, or the chief of any bureau, to report as to the particular fact, upon his inspection. Suppose a question should arise whether the fact is truly

reported, how can you decide unless you have the power to examine? I dismiss the argument in regard to the right of a general examination, and will proceed to show the propriety of its exercise.

Will it interest the people of this country, and of the whole civilized world, to know whether there are corrupt combinations existing among the officers of this Government, to aid and assist each other in procuring and retaining for themselves and their relatives offices and the emoluments thereof? Is it advisable to ascertain, in this the freest Government on earth, how far the spirit of despotism can or has obtained power to proscribe and punish those who dare to assert with boldness, and to maintain with independence, their principles of policy, and their opinions in regard to men? Will it have a salutary influence among the lovers of justice and votaries of freedom, to expose the wicked schemes of self-aggrandizement, which sometimes corrupt the wholesome administration of the laws, and infuse a deadly poison into the legislation of a country? If these questions are affirmatively answered, then, sir, we ought now to raise a committee and require an examination according to the original resolution. Whether the committee would find, by their investigation, facts to alarm the nation, or to cheer it on its forward march to greatness in population, in wealth, in resources, need not be anticipated. The committee would certainly find facts of the one kind or the other; and the investigation would necessarily result in pointing out dangers which threaten our destruction, or in confirming our hopes of the durability of our institutions. Either result is desirable, and hence we should not hesitate to adopt the original resolution.

TUESDAY, December 22.

Message from the President—Texas Independence.

The following Message was received from the President of the United States:

To the House of Representatives U. S.:

During the last session, information was given to Congress, by the Executive, that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit, for your consideration, extracts from the report of the agent who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the Executive towards the acknowledgment of the independence of Texas; and the whole subject would have been left without further remark, on the information now given to Congress, were it not that the two Houses, at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information should be received that it had in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent power." This mark

of interest in the question of the independence of Texas, and indication of the views of Congress, make it proper that I should, somewhat in detail, present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new State as independent, and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so when such State has forcibly separated itself from another, of which it had formed an integral part, and which still claims dominion over it. A premature recognition, under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the old or new world, have been treated by the United States as questions of fact only; and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements in those kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government, that we have, under the most critical circumstances, avoided all censure, and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been, by force of evidence, compelled to decide.

It has thus been made known to the world that the uniform policy and practice of the United States is, to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party, without reference to our particular interests and views, or to the merits of the original controversy. Public opinion here is so firmly established and so well understood in favor of this policy, that no serious disagreement has ever arisen among ourselves in relation to it, although brought under review in a variety of forms, and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent, under some circumstances, to a declaration of war—a power nowhere expressly delegated, and only granted in the constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign powers, and to appoint ambassadors and other public ministers; and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am

disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature, in the exercise of the power of recognition. It will always be considered consistent with the spirit of the constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union, and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guarantee to all other nations, of the justice and prudence of the measures which might be adopted.

In making these suggestions, it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe, and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented, in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof, and waited not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct Governments of those Spanish American States who began or carried on the contest with the parent country, united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, and the chief of the republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion, the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar ques-

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tions. But there are circumstances in the relations of the two countries which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States; speak the same language with ourselves; cherish the same principles, political and religious; and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own; and have, since the close of your last session, openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence; she asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers, shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the Government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it, we are but carrying out the long established policy of our Government—a policy which has secured to us respect and influence abroad, and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence that, if Congress shall differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the Government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

WASHINGTON, December 21, 1836.

The reading of the Message having been concluded,

Mr. HOWARD moved that the same, with the accompanying documents, be referred to the Committee on Foreign Affairs, and that they be printed; which motion prevailed.

Mr. BRIGGS moved that 10,000 extra copies of the Message and documents be printed.

Mr. D. J. PEARCE moved 20,000.

The question was then taken on the motion to print 20,000 extra copies, which was agreed to.

MONDAY, December 26.

WILLIAM C. DAWSON, elected from Georgia, to fill the vacancy occasioned by the decease of General COFFEE, appeared, was qualified, and took his seat.

Geological Reconnoissance.

The following resolution, offered by Mr. HENDERSON on the 20th instant, was then taken up:

Resolved, That 5,000 copies of the Senate document No. 333, entitled "Report of a Geological Reconnoissance made in 1835, from the seat of Government, by the way of Green Bay and the Wisconsin Territory, to the Coteau De Prairie, by G. W. Featherstonhaugh, United States geologist," be printed for the use of the members of this House.

On motion of Mr. H., the resolution was modified by the addition of the following words: "under the direction of Mr. Featherstonhaugh."

Mr. PARKER objected to the resolution, unless some gentleman would give good reasons for its adoption.

Mr. G. LEE said he had voted uniformly for motions to print the public documents; the people were entitled to the knowledge of all the proceedings of the Government; they desire this knowledge, and he had seen no document which was not proper and useful for the people to read and discuss.

The gentleman from New Jersey asks who wants the document—who will read it? and expresses an opinion that not one in one hundred thousand will read it. I will inform the gentleman that several scientific gentlemen have written to me for copies. I have this day applied at the document office for them, and am informed that not a single copy remains. The subject of the geology of our country is an interesting subject to all classes, and especially the geology of our wide spread, hitherto unexplored regions; and I believe the very reverse of the opinion of the gentleman from New Jersey would be nearer the truth. I believe that not one in one hundred thousand of the reading community would fail to read it, if they had the document; and I believe, moreover, that the printing and the distribution by Congress is the most convenient and the cheapest mode of disseminating information that can be devised.

Mr. BELL wished to know if this work had been examined by any one competent to judge of its merits; for they had often ordered books to be printed which turned out to be worthless. He moved that the resolution be referred to the Committee on the Library.

Mr. HENDERSON accepted this as a modification; and, so modified, the resolution was agreed to.

TUESDAY, December 27.

Michigan.

The following Message was received from the President of the United States:

To the Senate and House of Representatives of the United States of America:

By the second section of the act "to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," approved June 15th, 1836, the constitution and State Government which the people of Michigan had formed for themselves was ratified and confirmed, and the State of Michigan declared to be one of the United States of America, and admitted into the Union upon an equal footing with the original States, but on the express condition that the said State should consist of, and have jurisdiction over, all the territory included within certain boundaries described in the act, and over none other. It was further enacted, by the third section of the same law, that, as a compliance with the fundamental condition of admission, the boundaries of the State of Michigan, as thus described, declared, and established, should "receive the assent of a convention of delegates, elected by the people of said State for the sole purpose of giving the assent therein required; that, as soon as such assent should be given, the President of the United States should announce the same by proclamation; and that, thereupon, and without any further proceeding on the part of Congress, the admission of the State into the Union, as one of the United States of America, should be considered as complete, and her Senators and Representatives in the Congress of the United States entitled to take their seats without further delay.

In the month of November last, I received a communication, enclosing the official proceedings of a convention at Ann Arbor, in Michigan, on the 26th of September, 1836, all which are herewith laid before you. It will be seen, by these papers, that the convention, therein referred to, was elected by the people of Michigan, pursuant to an act of the State Legislature, passed on the 25th of July last, in consequence of the above mentioned act of Congress, and that it declined giving its assent to the fundamental condition prescribed by Congress, and rejected the same.

On the 24th instant, the accompanying paper, with its enclosure, containing the proceedings of a convention of delegates subsequently elected, and held in the State of Michigan, was presented to me. By these papers, which are also herewith submitted for your consideration, it appears that elections were held in all the counties of the State except two, on the 5th and 6th day of December, instant, for the purpose of electing a convention of delegates to give the assent required by Congress; that the delegates then elected assembled in convention on the 14th day of December, instant; and that on the following day the assent of the body to the fundamental condition above stated was formally given.

This latter convention was not held or elected by virtue of any act of the Territorial or State Legislature; it originated from the people themselves, and was chosen by them in pursuance of resolutions adopted in primary assemblies, held in the respec-

tive counties. The act of Congress, however, does not prescribe by what authority the convention shall be ordered, or the time when or the manner in which it shall be chosen. Had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State, for the purpose required, to have issued my proclamation thereon, as provided by law. But as the authority conferred on the President was evidently given to him under the expectation that the assent of the convention might be laid before him during the recess of Congress, and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case are in other respects peculiar, and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper for other reasons, that the whole subject should be submitted to the decision of Congress. The importance of your early action upon it is too obvious to need remark.

ANDREW JACKSON.

WASHINGTON, December, 1836.

The Message, having been read, was, on motion of Mr. CRAIG, referred to the Committee on the Judiciary, and, with the accompanying documents, ordered to be printed.

WEDNESDAY, December 28.

Extension of the Pension System.

Mr. TAYLOR submitted the following:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the third section of the act entitled "An act granting half pay to widows or orphans, where their husbands or fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," approved July 4, 1836, so as to extend the provisions of that section to all widows of officers and soldiers of the war of the Revolution whose husbands were entitled to a pension, excepting cases of second marriage after the termination of the war.

The resolution was then agreed to, *nem. dis.*

THURSDAY, December 29.

Paper Money vs. the Constitutional Currency.

The House proceeded to the consideration of the following memorial, presented at the last session of Congress, and laid on the table, and again brought to the attention of the House yesterday by Mr. GALBRAITH:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the undersigned, citizens of Pennsylvania, respectfully represents: That we, in common with a large portion of our fellow-citizens, have, for some time past, viewed with some degree

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of alarm the rapid encroachments of incorporated companies upon the liberties and rights of the people, particularly those established for the purpose of banking. As the system now exists in the several States incorporating companies for that purpose, it destroys, as we conceive, the design of the Constitution of the United States, which prohibits the States from coining money, emitting bills of credit, &c. The notes or bills of those banking companies, incorporated by the States, are rapidly taking the place of the constitutional currency of the country—gold and silver—and a continued fluctuation and uncertainty produced in the circulating medium, which the constitution intended should be steady and permanent. Under these circumstances, we beg leave, respectfully, to suggest to the consideration of Congress the propriety of proposing an amendment to the Constitution of the United States, for the adoption of the several States, restricting the incorporation of banking companies, and limiting them in their issues of bank notes. We wish not to be considered as asking for any powers being given to Congress to incorporate companies of this description, but simply the restricting of the States. We are opposed to the increase of power in the National Government, or a consolidated Government; but if the system before mentioned be permitted to progress as it has for the last few years, we apprehend the consequences to the community may be serious, and dangerous to the stability of our republican institutions.

Your memorialists beg leave further to represent, that they have understood that the new Bank of the United States, chartered by the Legislature of Pennsylvania, is now reissuing the notes of the old Bank of the United States, in which the United States was a stockholder to the amount of one-fifth of the stock; thus unwarrantably and fraudulently, as we believe, involving the faith and credit of the United States, bringing this State into collision with the other sisters of the confederacy, and calculated to produce confusion and disorder in the circulating medium of the country. Your memorialists, therefore, beg leave to call the attention of Congress to the subject, to inquire whether the fact be as has been reported; and if so, if there are any means in the power of Congress, to prevent such gross and improper practices upon the Government. And your memorialists, as in duty bound, will ever pray, &c.

George Kribbs.
William M. Walker.
John Harno, jr.
Daniel Brown.
A. Webber.
James Adams.
Jacob Dubbs, jr.
Jonathan Ayres.
John Singleton.
B. A. Plumer.
James Adams.
James R. Snowden.
James Thompson.
Samuel C. Small.

William Parker.
Geo. R. Espy.
Wm. M. Smiley.
A. Plumer.
Chas. W. Mackey.
James Vinnear.
John Rynd.
Wm. Niell.
John Martin.
Thos. S. McDowell.
Robert J. Neill.
John Neill.
Harrison Wilkins.
George Sutley.

This memorial Mr. GALBRAITH having moved to refer to a select committee, and the question upon that disposition of it having been stated from the Chair, a debate arose, in which Messrs. GALBRAITH, LINCOLN, HARPER, DENNY, CHAMBERS, VANDERPOEL, and EVERETT took part; when Mr. GALBRAITH's motion was adopted and a committee of nine appointed.

[The committee was of the following gentlemen: MESSRS. GALBRAITH, of Pennsylvania; SPEIGHT, of North Carolina; EVERETT, of Vermont; MASON, of Maine; LINCOLN, of Massachusetts; MANN, of New York; JENIFER, of Maryland; HOLSEY, of Georgia; and CRAIG, of Virginia.]

THURSDAY, January 5, 1837.

Executive Administration—Mr. Wise's Resolution.

The House resumed the consideration of the resolution heretofore offered by Mr. WISE, together with the pending amendment of Mr. D. J. PEARCE, providing for the appointment of a select committee to inquire into the administration of the executive departments.

Mr. HANNEGAN said: I shall vote for the resolution as proposed by my friend from Virginia, (Mr. WISE.) The vote, however, will not be given for the same reasons assigned a day or two since by the gentleman from South Carolina, (Mr. PICKENS,) or for those given in the main by the gentleman from Virginia, (Mr. ROBERTSON.) So far as the latter gentleman's assignment was based upon the spirit of inquiry, or the right and power of this House to investigate fully and freely, and at any moment, the affairs of the different departments and bureaus of the Government, he concurred with him to the uttermost. It was a right upon which might be said emphatically to hang the purity of the Government and the liberties of the people; a right for the exercise of which he had ever contended, in its fullest and broadest sense, and which he could not now surrender; a power which, when denied by the Bank of the United States, and its friends on that floor and elsewhere, he should, to the last hour of his life, consider as a denial of the essential principle of popular Government.

So far, however, as the gentleman's argument concerned the existence of corruption, and the practice of abuses in the different departments, the improper or unjust exercise of executive or other official influence on the politics of the day or the recent elections, and the necessity of the proposed investigation for these purposes, he differed with him in the widest sense of the word.

Neither abuses nor corruptions would, as Mr. H. believed, be found existing in any of the departments; and the fuller and more open the investigation should be, the more complete, in his opinion, would be the vindication of those against whom the charges are to be levelled. That vindication was what no correct man could feel inclined to deny, if based upon justice and innocence. Regarding them in that light, he had no fears of the consequences; and should they be found otherwise, it was due to the country, to those who had been deceived, to the venerable Chief Magistrate, against whom he believed no man had ever yet directed the

charge of corruption, dishonor, or dishonesty, that the guilt should be exposed, and the guilty brought to punishment. With the honorable mover of the resolution, he was willing to go every length in pursuit of the speculator and the plunderer. The cry that such were abroad, that they were fattening on the public crib, that they were hidden in the recesses of the departments, had been resounding through the hall every day since the commencement of the present, and indeed during the greater part of the last session. The public mind was constantly turned by gentlemen here to this one theme; and it seemed to him high time that all this corruption, none of which, however, he had yet heard specified, should be looked into, probed, corrected.

There was an individual, too, connected with this business, whose name, from its frequent repetition by honorable gentlemen in their places, the very parrots themselves, had they been present, would have learned to utter ere this; an individual whom he knew in private life, and knew there without reproach, yet whose name here was daily connected with the worst practices. This individual common justice entitled at least to trial, before condemnation. Mr. H., as everybody would understand, alluded to Reuben M. Whitney, the sum and substance of the charge against whom, so far as specifications went, amounted to the fact that he was employed as an agent by some of the deposit banks, his employment as an agent of the Government being presumed solely from the appearance of his name affixed to a sign before one of the rooms in the building occupied by the Treasury Department. This fact alone might, with a jury predetermined to hang both him and Mr. Woodbury, be sufficient proof; but certainly, if no such prior determination existed, it could not be construed into proof positive of a knowledge on either part that the other existed.

Justice to this individual himself, to his family, to the country, demanded an exposé of the attitude which he occupied officially towards the Government.

Mr. H. said, throughout the period of this session, there was one thing he had observed with pain; a course which he believed had no precedent in the past history of the country, and the memory of which he hoped might be buried forever at the termination of this Congress. He alluded to the fact of the determined spirit of animosity, the same relentless opposition, which, during the past seven years, had been exhibited in the House against the President, continuing to evince itself up to the hour when he was retiring finally from the public stage. Whatever might have been the rancor of party, he believed, from all the information he had, that the last session of an Executive had hitherto been permitted to pass, if not entirely in calmness and peace, shorn, at least, of the virulence and rancor of cherished hate. He presumed not to be a conscience-keeper for others,

nor would he dictate any man's course; but were he now the enemy of the venerable man who had so long occupied a distinguished place in the eyes of his own country and the world, he could not find it in his heart, at this period, to imbitter a single breath of his allotted existence. Whatever feelings of hostility he might have cherished against the Executive himself, the policy and propriety of his administration, he would at this hour stand silently by, and permit the curtain to drop quietly and decently over the last scene. What, he asked, was that scene, and who the great actor, that the curtain was about to fall upon? It was the last retiring view which the world could have of a man whose eventful life had furnished a whole, a heavy volume for the history of his country; of a man whose imperishable deeds were to be written in other languages, and read in other tongues, and never read in any land, under any sky where human liberty had a votary, without the heartfelt tribute of glowing admiration; a man upon whom his country, almost with acclamation, had delighted to bestow the highest honors of the State, and who wore those honors as became them both—his only aim her glory, her prosperity, her happiness, her liberty.

Let the records of his renown be sought where they may, whether emanating from the closet or achieved in the field, they will be found alike stamped with the impress of a mighty mind, a patriotic and devoted heart. No matter in what manner he may be talked of here, what obloquy may be cast upon his acts, it will turn to nothing in the end. The glories of New Orleans, of Talladega, of the Horse-shoe, cannot be stricken from the annals of American history. Posterity will read; and, in aftertimes, when patriots war for liberty, amid the strife, the hurry, and the carnage, the name of Andrew Jackson shall be the talisman,

"To stir the hearts of men,
As though 'twere the battle-drum."

Long hence, when the rank grass shall have grown, and withered again and again, over the whole "animated warm motion" now filling this hall, when perhaps none will be found to tell where most of us lie; in this very hall, if liberty and union remain, the name he had just uttered would be heard resounding, as the preserver, in a trying hour, of his country's political freedom and the pure principles of her constitution.

Mr. H. said he was not speaking with a courtier's tongue, for such a language he had yet to learn, or such a feeling to cherish, towards created man. It was not the part he had played in his intercourse with the President; but whenever, as had sometimes been the case, a difference of opinion existed between them on subjects in which he himself had felt an interest, his own opinions had been spoken to the President promptly and warmly—it might be at times too warmly for the disparity of years. In speaking of the Executive now, he had

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spoken of him as one about to be numbered with the past; as one with whom his own age was on the eve of exchanging mournful adieus, and upon whose ear the voice alike of flattery and of friendship, of low detraction and of manly enmity, would soon fall with the same heavy, cold, senseless effect.

From first to last, since his entry into the hall, he had sat and silently heard the President denounced as a tyrant, branded, almost in the same breath, with the opposite epithets of usurper and dotard. Fortunately, the feelings which inspired such language could not be communicated to posterity; they would sink into the same grave, they would lie buried in the same oblivion, assigned to most of those who cherished them.

History, in her long-drawn gallery, will present to coming time no portrait that can occupy a higher place than his who in life has been so traduced—none that shall stand forth in more simple, beautiful, living relief.

As to the character of Mr. Van Buren's administration, not having the gift of prescience, it was impossible for him to say what might be its results. He looked forward, however, with perfect confidence, to a continuance of the principles upon which the Government was now administered, and felt satisfied that, in this expectation, there would be no disappointment. That violence could be offered, that a blow could be inflicted upon the fundamental principles of the constitution, by the present head of the Government, was a state of things which he could not conceive within the range of possibility. It would argue an unhallowed love of power, and a misapprehension or a hatred of the free institutions of his native soil, in the bosom of the man. Is it, he would ask, likely that such feelings could now tenant the heart of Andrew Jackson? He would let the terms in which his friend from Tennessee (Mr. PEYTON) had spoken of the President, a few days back, answer the question. He alluded to the interview described by his friend between the President and one of the Tennessee Senators. Was he planning schemes of power for himself or another, then? Was their talk of treason or unholy stratagem? No, sir, no; the gentleman from Tennessee told us it was of the grave—of dying—of his loved Hermitage, which he wished once more to see, and where he hoped his eyes might close. Can it be that such a man, after having toiled in the cause of liberty his whole life, should, when the grave and all its mysteries are drawing nigh, seek, as the last act of a glorious career, to impair the principles for which in boyhood he bled; the institutions which in riper years he aided to strengthen and perfect; and the free Government which, in the full maturity of manhood, he triumphantly sustained? Let it not be borne upon the winds: before such things can exist, the moral order of nature must be reversed.

Mr. HAMER said: We are charged with be-

ing influenced by the "spoils," and with relying upon them to insure our success. By "spoils" they mean either office or money. In regard to the former, the opposition claim a remarkable share of disinterested patriotism. If we believe their account of it, they have a great aversion to office; and yet, when did they ever let a good one pass by without grasping at it? I can imagine I almost see their "mouths water" sometimes for a taste of the "Treasury pap."

If it had so happened that Mr. Van Buren had not received quite votes enough to elect him, and the three highest candidates had come before the House for our decision, we should have had great difficulty in arriving at a conclusion. There would have been no intrigue or bargain, of course! But when all the difficulties had been surmounted, as they no doubt would have been, and an opposition man elected, then we should have seen the beginning of troubles. What would have been the policy of his administration, no man living can tell. His supporters would have been of all political creeds and complexions under heaven; as opposite to each other as the poles, and wholly irreconcilable. He could not have pleased one set of them without displeasing the others; and if he had compromised, and gone sometimes a little with one side, and then leaned a little to the other, he would have been doing precisely what they charge upon General Jackson; and would therefore have displeased them all!

But this is not the grand difficulty. We are told that professions and practice ought to go together. Now, the opposition profess to believe that our friends who are in office are unworthy to remain there; so they shall be turned out forthwith. Again, they profess to have a mortal hatred for office-holders; and, of course, none of them would be willing to fill the vacancies! Here would be one of the greatest calamities that ever befel a free people—all the offices of the country vacant, and no one to fill them! One portion of the country would be too bad, and the other too good, to have any thing to do with public office, honor, or emolument!

But upon the subject of money, of mercenary motives and influences, who has shown the strongest inclination to resort to such means to control public sentiment? Who are the friends of banks, of the Bank of the United States? Who are willing to sell extraordinary privileges for bonuses payable in money? Who are the supporters of land bills and distribution bills? I do not speak of the deposit bill of the last session. That was sustained by a majority of my own political friends, driven to it, in some measure, by the force of circumstances, which they could not fully control; but I allude to a permanent system, by which money for which the Government has no use, is to be drawn from the pockets of the people; and, after paying four or five sets of public men for collecting it,

for legislating upon the subject, and for distributing it again, we return to the State Governments the balance, to be expended in such manner as they may direct. The General Government has no right to do this—it is a fraud upon the people. The revenue should be cut down so as to meet the wants of the Government and nothing more; leaving all the fruits of individual industry beyond that in the people's pockets, to be disposed of as each man may think proper. Such is the democratic doctrine; but the opposition will not go for this.

The indications have been already given to the country. There is to be a coalition between a portion of the South and the manufacturing interests of the North. The preservation of the "public faith" is to be the pretext for collecting a surplus. The "compromise bill" is said to have pledged the public faith! What an absurdity is this! Sir, I would regard a violation of the faith of the nation with as much horror as any gentleman in or out of this House. A nation without faith is like an individual whose reputation has been totally destroyed: they are both very properly excluded from all honorable associations. But how has public faith been pledged in this case? Can two or three prominent members of Congress make an arrangement, and obtain the passage of a law which is to bind all posterity? Have they any more power than their successors? and, if so, whence did they obtain it? The idea is preposterous. If they could bind us for ten years, they can do so for fifty or a hundred; and what becomes of popular liberty? The "compromise act" is of no more authority than any other law of Congress, and can be repealed or modified at any time we may think proper. It will be sustained, however, I have no doubt, and an enormous amount of taxes thus levied upon the people, to be divided out again; keeping up swarms of unnecessary officers, and enriching one portion of the community at the expense of another. The money is never returned to the men who earned it.

Again: it is charged upon this administration that it has increased the annual expenditures to a large amount. Why do not gentlemen have the candor to tell the people the cause of this increase? It is to be found in the increased population, offices, and wants of the Government; in the appropriations for various national objects, fortifications, navy, &c. The removal of the Indian tribes west of the Mississippi, the purchase of their lands, and the wars we have had with them, are some of the principal items. Has there been any unnecessary expenditure? If so, point it out. Let us know what it is; and then we will ask ourselves why we appropriated the money.

So of the corruption of which we hear so much. In what does it consist? Who has been guilty of it? In what department or bureau is it to be found? What is its character? General charges are easily made; but they are too indefinite. Let gentlemen assume

the responsibility of making a distinct charge. In private life, if one man instigates a prosecution against another for an offence, and it turns out, upon investigation, that there is no foundation for it, and not even a probable cause for its commencement, the prosecutor is liable to an action of damages for the injury done to individual reputation. Are the characters of public men less valuable to them than those of private citizens? Are they not equally under the protection of the law? True, the prosecutor here might not be liable to an action; but if there should turn out to be neither ground for the charge, nor good reason for instituting the inquiry, public sentiment would render that justice, to all concerned, that is administered in the other case by the Judiciary of the country.

If any gentleman will rise in his place, and state that he has good reason to believe, from information upon which he can rely, that fraud and corruption do exist in a particular department, either naming his informant or stating that it is improper to name him, I, for one, will vote for a committee, with ample powers to make a thorough investigation. If one committee is not enough, I will vote for more—for as many as are necessary to develop the true condition of the public offices, and to expose all the defaulters who may be found in them. This, I think, ought to satisfy the most fastidious.

This House has been assailed. It has been denominated a mere "bed of justice, to register the decrees of royalty!" It seems that we sit here, without any opinions of our own, merely to register the edicts of the President! What is the pretext for this charge? Why, forsooth, we agree in sentiment with the President, and therefore sustain his measures! Was ever argument more futile? Who elected the President? The people. Who elected the members of this House? The same people. Do they not vote for both because they approve of their political opinions? Undoubtedly. Are not the President and the majority of the members of this House of the same political party? Is it strange that they should agree in regard to great leading measures of policy? Who would anticipate any thing else than an agreement? I desire to speak respectfully of arguments advanced here, and will, therefore, not say that this is childish; but really it is one of the strangest specimens of parliamentary logic that I have ever heard.

Pray, who rules the opposition? Whose edicts do they register? Do they sit here to register the edicts of a distinguished gentleman from Kentucky, of another from Massachusetts, and of a third from South Carolina? If not, how does it happen that they agree so cordially and entirely with the three great leaders in all their political opinions? The fact cannot be denied, that this agreement does exist; and if the argument is good with respect to us, it applies equally to the opposition. If we are

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the President's "slaves," they are "slaves" to the opposition leaders.

The President, it is said, is popular; that he rules the country and guides public sentiment by the aid of this personal popularity. What a lame and impotent conclusion! True, he is popular, but it is because he deserves to be so, from his eminent talents, his democratic principles, and his faithful and extraordinary public services. If other gentlemen wish to be popular, let them pursue his footsteps, adopt his principles, and render such services, and then they will attain the object of their wishes. The people of this country have but one desire in regard to public affairs—it is to see their Government well administered. They elected Andrew Jackson because they believed he would thus administer the Government; and they have not been disappointed.

Who is it that complains of him? They are the men who told us, in 1824 and in 1828, that if Jackson succeeded, the country would be ruined; the men who told us the same thing in 1832; men who invoke war, pestilence, and famine, rather than devotion to military glory; but who, during the late campaign, huzzaed for military chieftains louder than ever we did at any period. They are now endeavoring to convince us that they were right; that we have been ruined; and that all their predictions have been verified. Do they think we will believe their declamations in opposition to the evidence of our own senses? When was this country ever more happy and prosperous than at this moment? Never since the Government was first organized. The laboring classes of the community—the farmer, the planter, the mechanic, the manufacturer—are all growing rich. Land, and all its products, bear a higher price than they have for many years; yet gentlemen will have it that we are ruined. The laws protect every man in the enjoyment of all his rights—personal liberty, personal security, and private property; in all his immunities and privileges—religious, civil, and political; still gentlemen insist that we are ruined. Sir, the people will not believe them. When they feel themselves happy at home, and learn from every intelligent American, of every party, that our country now stands higher abroad, on account of the manner in which our intercourse has been conducted by this administration with foreign nations (France included) than it ever did in any former period, they will not believe any man who asserts that they have been injured by those who have held the reins of power for the last eight years.

Having said thus much in explanation, I will now proceed with my discourse. When we adjourned the other day, I was remarking that the nation had approved of the conduct of the present Executive. The late elections prove that beyond all dispute. A successor has been elected by a large majority, who has been associated with the Executive for many years; who approves of his leading measures, and is

pledged to carry out his policy. The gentleman from Virginia, (Mr. Wise,) who I regret to see is not in his seat, particularly as I understand he is detained from it by the illness of his family, told us the other day that he was advocating the cause of the people, and did not wish to be understood as assailing the President. That gentleman and several others have been advocating the cause of the people in the same way for years; yet, whenever the people come to the polls, they uniformly decide against their own advocates, and in favor of Andrew Jackson. This proves their approbation of his principles and policy.

I do not stand here to eulogize the President; but this much I will say: when the passions which enter into party conflicts in this country shall have subsided, when the prejudices created by such controversies shall have passed away, then, and not till then, will justice be done to the fame and character of Andrew Jackson. And when his enemies shall have floated down the stream of time into that oblivion which is the inevitable destiny of almost their whole number, his memory will survive and flourish in the hearts of a just, a grateful, and an intelligent people.

The history of America up to this period will present three Presidents standing out boldly upon her pages as great public benefactors. They are—George Washington, who harmonized the conflicting elements, and put our Government in motion; Thomas Jefferson, who arrested it in its downhill career towards monarchy, and restored it to its pristine purity; and Andrew Jackson, who gave it the "republican tuck," brought it back to the point where Jefferson left it, and where it always ought to remain.

I come now to speak of the future. It has been boldly proclaimed here by several gentlemen, that, in regard to the administration of Mr. Van Buren, we are to have "war in advance," and "war to the knife!" This is a most extraordinary position for gentlemen to assume, before the principles or policy of the Chief Magistrate are made known,—nay, before he has taken the oath of office; to declare war, and that, too, a war of extermination? They inform us that he is not to be judged by his acts; that they may possibly support his measures, but they will wage an interminable warfare against the man! Why, sir, we go for measures, and men to carry them out; we support men, because they are in favor of certain doctrines and measures, not because we like the man. Any other system than this must degenerate into mere "man-worship."

This may be a very patriotic opposition; but it appears to me to be an impolitic one for the gentlemen themselves. When one man is determined beforehand to be displeased, or to quarrel with another, we know how easy it is to find an opportunity of doing so. Now, if it should so happen, in the progress of events, that these gentlemen find it necessary at some

future time to make an assault upon the administration, will not the people be inclined to reply: "Ah! we did not expect you to be satisfied, for you were determined to be displeased, let the President do as he might." But the course which gentlemen choose to pursue is somewhat a matter of taste; and I have not the least desire to dictate to any one upon this subject.

If the opposition have solemnly resolved that we shall have another four years' war; if they will agree to no cessation of hostilities; if we cannot be permitted even to go into winter quarters for three months; if war, and war to the knife, is to be their motto, for one, I say, "come on, Macduff!" Let us hear the roar of your cannon, gentlemen. Show us the size of your balls; the length and diameter of your calibres. Let us hear the trampling of the horses' hoofs, the neighing of the steeds, and the clangor of your trumpets. Do not annoy us by the random shots of single riflemen, from behind the scattering trees, nor by the flanking and scouting parties that belong to your army; but charge with all your forces. Danger is always increased, in appearance, by the distance. The enemy presents a much more terrifying aspect when he first bursts upon the view than when you grapple with him, man to man, and test the power of his muscle and the fierceness of his spirit. Give us a general fire, along your whole line. The suspense which precedes a great battle is the most dreadful period of the whole affair. I am told that even cowards will fight after the first discharge; and I promise you that all of us who survive the first shock will stand up and give you a fair fight in the open plain.

The reason assigned for making war upon Mr. Van Buren is, that he is a usurper! Yes, sir, although elected by the people of the United States, he is a usurper. Language is changing its meaning now-a-days, and we shall soon be unable to understand each other. Let us look into this charge.

We all know there were many persons in the democratic party who did not prefer Mr. Van Buren to all others as the successor of General Jackson. Some of us preferred Judge McLean; some were for Colonel Benton; others were for Judge White; and many were in favor of the honorable gentleman from Kentucky, (Colonel Johnson.) He was not my first choice. Thousands of us in Ohio preferred a distinguished citizen of our own State. We knew him personally; we had seen the zeal, industry, and ability, displayed by him in the management of an important Department of the Government, and in the discharge of every duty devolving upon him in the various stations he had held, both under the State and Federal authorities. We believed he would make an excellent Chief Magistrate; whilst, on the other hand, some of us had been induced to believe that, although Mr. Van Buren possessed great abilities and experience, still he was an

intriguing politician. We believed so, because we heard these things said, day after day, for years, and scarcely ever heard a word said in his defence. How could any one expect us, under such circumstances, to come to a favorable conclusion in regard to him? I must here beg pardon of the House for speaking particularly of myself. When I was first elected to Congress, I was elected as a McLean man. Myself and one of my colleagues were well known, both at home and at this place, to be favorable to the Judge; whilst the other friends of the administration from Ohio were either for Mr. Van Buren, or uncommitted.

Sir, the opposition may thank themselves, in some degree, for the election of Mr. Van Buren. They contributed very much to make him the candidate of the democratic party. Notwithstanding his eminent qualifications for the office, his claims might possibly have been postponed to a future election, had it not been for the rancorous persecution of his political enemies. The first step taken by them, to render him a favorite with the people, was the wanton rejection of his nomination as minister to England. This exhibited so much ill nature, so strong a desire to crush a supposed rival, and to gratify individual and partisan hatred at the hazard of sacrificing the public interest, that the friends of the administration rose up as one man, and, as an act of retributive justice, elevated the rejected minister to the presiding chair of that very Senate who had attempted to destroy him.

The next step taken by the opposition to make the Vice President popular with his own party, was the daily abuse they bestowed upon him during the "panic session." They constantly connected "Jackson, Van Buren, and the party" together, to make up a triumvirate. This very naturally excited kind feelings towards him among those who were abused in common with the President and himself; in this manner, they made him thousands of friends, and he was finally adopted as the candidate of the democratic party.

The gentleman tells us that the President nominated him as his successor, and that to this nomination he owes his election. I should be glad to know when, where, and under what circumstances, this nomination was made.

[Mr. PEYTON arose, and said he could tell the gentleman from Ohio, and could do so then, if he desired it; or would do it after he got through, whichever he pleased. Mr. HAMER remarked that it would be better, perhaps, for Mr. P. to give his sentiments after he had closed.]

I presume, sir, (said Mr. H.) the gentleman from Tennessee refers to the Gwinn letter, written by the President in defence of some charge made against him in a Nashville paper. It is some time since I saw that letter, but such is the tenor of it, according to my recollection.

[Mr. PEYTON again arose, and made some

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remarks respecting this letter, contending that the article in the Nashville paper was not an attack upon General Jackson, but that it had been made a pretext for writing the letter, which denounced everybody in advance who would not support Mr. Van Buren.]

Mr. H. proceeded. Let the nature of the article be what it might, one thing is certain—the letter was neither in form nor in substance a “nomination” of Mr. Van Buren. It advised union and harmony in the party, and spoke favorably of the proposed convention at Baltimore.

Suppose the President was favorable to him, was there any thing wrong in this? Does a Chief Magistrate lose the freedom of thought by his election to that office? This would be a new doctrine in our country.

It is not unnatural that he should be favorable to Mr. Van Buren. He knew him well. The latter had been associated with him for years in the administration of the Government. They agreed in opinion with respect to all the leading measures of the administration, and Mr. Van Buren was pledged, if elected, to carry them out, and pursue the policy of General Jackson. To such a candidate he could not well be opposed; but how did this influence the election? Where was the President's influence effectually exerted in favor of his successor? Not in Tennessee, for that State went against him. If there was any one State in the Union which could be influenced by him, it must be Tennessee; and yet that went for Judge White! Where, then, is the evidence of this “appointment of his successor,” so confidently charged upon all concerned? Nowhere but in the imagination of those who have asserted it so often, that I dare say they begin to believe it themselves. Suppose the President had been for Judge White or for General Harrison, would there have been any complaints then? Not a word. They would have said: “Well, the President has got his eyes open at last to the true character of Mr. Van Buren; he can be deceived no longer; he has detected the imposition, and, with his characteristic independence, the noble old General has come out openly against him.” He would have been “glorified,” from one end of the continent to the other, by those who now abuse him.

The Baltimore convention nominated the Vice President, and made him the candidate of our party. This, too, is a grievous offence, and smacks of dictation too strongly to please the opposition. Pray, who first resorted to national conventions for such purposes? Who held the conventions at Baltimore that nominated Mr. Clay and Mr. Wirt, in the campaign of 1832? Who held the young men's national convention in this District, in the same year? We all know it was the whigs and the anti-masons. Yet those are the men who now abuse us in unmeasured terms for merely following their example.

But his locality greatly displeases some gentlemen, and they have abused New York in almost

every debate that has occurred here for the last three years; and she is treated in the same manner in all their newspapers. And why may not New York have the honor of giving us a President? The South has given us four, New England has furnished two, and the West one; whilst New York and Pennsylvania, two great States, occupying a central position in the confederacy, each of them a nation within itself, have never furnished us one. What has New York done, that she is to be proscribed? Has she not signalized herself by a devotion to liberty, and an attachment to democratic principles, in all the great emergencies which the country has seen? Where was she in the revolutionary war? Battling among the foremost for independence. What was her position in the great political revolution that brought Mr. Jefferson into power? She stood side by side with her democratic sisters, struggling for the rights of the States against federal usurpation and monarchical principles. And in the war of 1812, where was she found? Sustaining the cause of the country as efficiently as any State in the Union, and holding at bay the Hartford convention party, who were not permitted to cross her territory into the middle and Southern States. If this State has a distinguished son, worthy of the chief magistracy, why may he not be presented as a candidate for the suffrages of the people of the United States? So far from there being any thing wrong in it, there was a peculiar propriety, under all the circumstances, in taking the candidate from New York at the recent election.

Mr. Van Buren was thus made a candidate for the presidency of the United States. He encountered an opposition combining more talent with less scrupulousness in regard to the means employed to defeat him than was ever met before by any successful candidate for the same office. Their untiring exertions induced thousands of good men and sound patriots to vote against him, who were utterly misled with respect to his true character.

It would be a Herculean task to enumerate all the falsehoods propagated, and impositions practised, to accomplish his defeat. They all failed. Notwithstanding the people were appealed to in pathetic terms to come to the rescue, were assured that they would be ruined if they elected him, still they marched to the polls and gave him their votes. The people had been twice ruined by electing General Jackson; and, as they found it rather an agreeable operation, they concluded to try it a third time, and let Mr. Van Buren ruin them again.

He has been elected by the unbought suffrages of his fellow-citizens, and in a most remarkable manner. The vote received by him is diffused throughout the Union, so as to prove most clearly that nothing like a geographical division of parties exists in the country. All the efforts made towards that point have been unsuccessful. Including Michigan, he has received the votes of fifteen States out of twenty-six. He

obtained the votes of a majority of the old thirteen States, and a majority of those of the new States. He has a majority of the electoral votes of the slaveholding and a majority of those of the non-slaveholding States of the Union. He has one hundred and seventy electoral votes, being a majority of forty-six over all his competitors put together; and he has a majority of all the individual votes of the people of the United States of from ten to twenty thousand. The exact number cannot be ascertained, because in South Carolina the people do not vote; the Legislature appoints the electors of President. Without this State, Mr. Van Buren has a majority of about twenty-two thousand, according to the calculation of the opposition newspapers themselves. But to make him out a "usurper," a "minority President," they count South Carolina as forty thousand—the whole number being set down against Mr. Van Buren, and none for him. Now, the Union party of that State compose from a third to one-half of its population, and they are openly for him, and would have so given their votes, if permitted by the State Government to go to the polls, and vote directly for the President. If, then, the State can give forty thousand votes, fifteen thousand at least, and perhaps twenty thousand, would have been for Mr. Van Buren; for many nullifiers would have voted for him, I have no doubt, in preference to any other candidate before them. Allowing him but fifteen thousand, there would be a majority of ten thousand against him in the State. Deduct this from the twenty-two thousand majority he has in the other States, and he has still a clear majority of the individual votes of the Union of at least twelve thousand.

He is elected according to all the forms of the constitution, and by these large State electoral and individual majorities; and yet gentlemen call him a "usurper!" No; he is the constitutional, lawful President; and, from the 4th of March next, all men will be bound to obey him as such, within the pale assigned to him by the institutions of his country.

FRIDAY, January 6.

R. P. Letcher and T. P. Moore.

The bill for the relief of Robert P. Letcher and Thomas P. Moore came up, on its final passage.

The main question, "shall the bill pass?" was then taken, and decided in the affirmative—yeas 125, nays 64.

Descendants of James Brown—Claim for Property taken before the War of 1788 by the Cherokees, while the Ancestor was moving his Family from North Carolina to the Cumberland River Settlements.

The bill for the relief of the legal representatives of William Anderson coming up—

After some remarks by Messrs. UNDERWOOD,

VINTON, PARKER, BELL, HUNTSMAN, BRIGGS, and CAVE JOHNSON,

Mr. SHIELDS said that, at the commencement of this discussion, he had been improperly impressed with the belief that the Cherokee Indians and the United States were in a state of partial war at the time the loss was sustained, for which these claimants are now seeking indemnity; but, upon a careful examination of the history of the times, and the circumstances immediately connected with this claim, (said he,) I find that, at that period, a state of perfect peace existed between that tribe of Indians and this country. It will not, therefore, be necessary to consider, in the argument which I now propose to submit, whether this Government should or should not indemnify her citizens for depredations committed upon their property by the enemies of the country, when in a state of actual war with another power. The Committee on Indian Affairs, by which this bill was reported, state, in its accompanying report, that this claim rests upon the same facts and circumstances, or, rather, that it is identical in point of proof, with the claim of the heirs of James Brown, which was allowed at a former session of Congress. I shall, therefore, in this discussion, refer to the facts in that case, as reported by the Committee on Indian Affairs in 1832, and shall take the facts as reported by that committee, at least, as *prima facie* true. These claimants allege that they should be indemnified as the legal representatives of William Anderson, deceased, for the loss of property plundered from their ancestor, James Brown, by the Cherokee Indians, in 1788. It will be recollected by every one that, by the terms of the treaty of Hopewell, concluded in 1785, that portion of territory which now composes a considerable part of Middle Tennessee was ceded to this country by the Cherokees, and was immediately thrown open for the reception and occupation for our citizens. Among the early adventurers who manifested a disposition to establish a permanent home in this part of the Western wilderness, was James Brown, the ancestor of these claimants. In the fall of 1787, he and his family, carrying with them all their valuable property, arrived on the banks of the Holston, more than two hundred miles distant, by land, from the place of their destination. Believing that a passage down the Tennessee River could be more easily effected, and be, at the same time, less perilous, than a trip across the mountains, early in the following May (1788) they embarked, with a considerable amount of property, on board a boat, which they had prepared in the mean time, and descended the Tennessee River. While floating down this river, after they had reached the limits of the Indian territory, through which they had necessarily to pass, by an act of the basest perfidy, under the disguise of friendship, they were suddenly surrounded by upwards of seventy Cherokee warriors. Mr. Brown himself, two of his sons, and five

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boatmen, "the only adult males on board the boat," were instantly slain, Mrs. Brown, her three daughters, and two minor sons, made captives, and their property plundered and carried off by the Indians. It is for the loss of a small portion of this property, thus violently seized, that one of these captive girls, who afterwards became Mrs. Anderson, and her orphan children, now ask an indemnity from the Government. Can the Government, consistently with its past policy, its future interest, and the justice of this individual application, allow the sought-for indemnity? It is, in the first place, I believe, admitted that, in time of peace, there is a claim on our Government for the protection of the person and property of the citizen, and for spoiliations committed by any other than our own citizens. But it is contended, in argument, that we have not sufficiently shown that a state of peace then existed, and that the very act of hostility of which we complain is evidence of the want of a state of actual peace; and that a state of peace or war with an Indian tribe can only be determined by the character of the acts of one or both of the parties! I infer, however, that a state of peace existed at that period, from the history of the times, the contemporary conduct of a large community of our citizens who resided in the vicinity of this tribe of Indians, the conduct of James Brown himself, and from direct and unequivocal declarations of the Congress of the United States, contained in a proclamation of that year on this very subject.

Prior to his departure from the settlement on the Holston, the ancestor of the petitioners obtained a permit from one of the headmen of the tribe to pass on his contemplated voyage through the Indian territory, accompanied with every assurance of protection and safety. The community in which he had resided from the fall of 1787 until May, 1788, were on terms of perfect amity, and indeed had been from the treaty of Hopewell up to that time. And, further, this treaty of Hopewell, it should not be forgotten, contained the following remarkable provisions, with regard to our relations towards the Cherokees, in articles 9 and 10, to wit: That "the United States in Congress assembled shall have the exclusive right of regulating the trade with the Indians, and managing all their affairs, in such manner as they think proper;" and, again: "Until the pleasure of Congress be made known respecting the 9th article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees, to trade with them; and they shall be protected in their persons and property, and kindly treated."

No other intercourse regulations had been entered into with this tribe previous to 1788, and none, except one or two of a very partial bearing, up to the general intercourse law of 1802, which has regulated our intercourse with all the Indian tribes from that to the present time. It is true there were other stipulations

in the several treaties concluded, respectively, at Holston in 1791, at Philadelphia in 1792 and 1794, and at Tellico in October, 1798; but none of a general nature touching this point. There is still stronger evidence of our peaceable relations to be found in the proclamation of Congress to which I have already alluded. This proclamation was issued, by a resolution of Congress, the 2d day of September, 1788, in four or five months after the plunder of the boat and murder of Brown and the crew. This proclamation, a copy of which I now hold in my hand, recognizes and reaffirms the obligations and binding efficacy of the treaty of Hopewell, without the slightest complaint with regard to any breach of the treaty, or of any depredations on the part of the Indians; in which, also, they threaten heavy penalties against any of the citizens of the United States who should dare to infringe any of the articles of that treaty. It is evident, from the language of this proclamation, that Congress regarded the Cherokees in a state of amity at that time; and, from what we have stated already, it is equally evident that our citizens who resided on the borders of that tribe so regarded our relations at the same period. These considerations seem to me to exclude the idea of the existence of a state of war at the date of the loss sustained by the petitioners. The several reports of the Committee on Indian Affairs on this subject, in summing up the testimony on this point, fully concur in the same opinion. "This is an application," says the able chairman of this committee, "to be paid the value of property taken with force by the Cherokee Indians prior to the enactment of laws regulating trade and intercourse with the Indian tribes, and in time of peace between the Cherokees and the United States." Then, the act of which we complain has not been regarded by the committee, and I think cannot be looked upon as creating a state of partial war, or, as some of the gentlemen have styled it, a state of *quasi* war, so as to exclude this claim from a favorable consideration by Congress, under the established policy of the Government.

If this position were correct, you cannot conceive of any possible case in which those who had sustained an injury in time of peace by Indian treachery and violence could obtain redress for the loss and outrage; for the obvious answer would be ever ready, that the Government does not indemnify her citizens against the depredations of an enemy committed in time of war. The act of hostility complained of creates a state of Indian war, because Indians never make formal declarations of war, like civilized nations; therefore, the indemnity in this particular case cannot be allowed. This position cannot be sustained in any point of view. Nor is it conceived that the risk and hazard which Brown encountered by descending the river through the Cherokee country is such a departure from a course of due propriety, and from the obvious sense of the existing

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treaty regulations, as to exclude these claimants from relief. His object—the settlement of the newly acquired territory—was lawful, and even commendable. He had obtained a permit from the nation to pass through their grounds, and the proof is, that his conduct towards the Indians was unexceptionable in all things. This is altogether unlike the case of a trader, whose object is to gain by traffic. He surely, then, had not, by his own conduct, put his person and his property without the pale of the protection of his Government. It will be seen, by inspecting the several treaties with the Cherokees, that no provisions were made in any of them to satisfy such claims as the present. But in the 9th article of the treaty of Tellico, or, as it is more familiarly called, the treaty of 1798, the usual remedy between the Indians and border settlers, which is that of reprisal, was expressly taken away, leaving the party injured without any summary redress, and, indeed, without any redress at all, unless this Government shall interpose its protection. It is provided in the article of the treaty of 1798 just quoted, that “all animosities, aggressions, thefts, and plunderings,” prior to the date of the first conferences in that year, “shall cease, and be no longer remembered or demanded on either side.”—(Laws of the United States, vol. 1, p. 334.) By this treaty stipulation, even the privilege to demand their rights of the Cherokees was expressly taken away from our citizens. And, much more, the ordinary remedy, so much practised on the Western frontier, of reprisal. It does seem to me most clear that the Government, by this act, became liable, in good faith, to satisfy all *bona fide* claims of private citizens against the Cherokees, that existed prior to the treaty of 1798, on account of “aggressions, thefts, and plunderings, of that nation.”

But it is argued, that if this claim should be allowed, a new policy will be established and introduced into our legislation, which will prove in the end onerous to the Government. This position is so far from being correct, that, if this claim be rejected, it will change the whole policy of this Government with regard to such claims, for the last ten or fifteen years. I do not pretend, said Mr. S., to have that profound information as to our Indian relations, or as to precedent generally, as many honorable gentlemen who have addressed the House on this subject. I have neither had the experience nor the means necessary to such attainments. But, in examining the past course of the Government on this subject, I find the aggregate sum of twenty-one thousand and eighty-six dollars appropriated, by act of Congress “approved 25th March, 1830,” as full compensation to certain individuals named in said act, for horses stolen and property destroyed and taken by the Osage Indians, in the years 1816, 1817, 1823.—(Vol. 8, Laws of U. S. 294.) And again, in the year 1832, I find the sum of nine thousand seven hundred and fifty dollars appro-

priated by act of Congress of that year, to be paid to the legal representatives of John and James Pettigrew, for depredations committed on the private property of the Pettigrews, while navigating the Tennessee River in 1794, with interest upon that sum at the rate of six per centum per annum, from the date of the loss sustained, until the same should be paid—[Here Mr. SHIELDS asked the favor of the Clerk to read the report of the committee in the case of the Pettigrews, which he did]—and which Mr. S. said was similar, in all its material circumstances, to the claim now under consideration. The loss was sustained by private individuals, while descending the Tennessee River, in the Cherokee territory, by the act of that tribe of Indians, while in a state of peace. Mr. S. said, I might cite many other cases in point, from Missouri and elsewhere, which I have before me, but I will not consume the time of the House by reciting them. I shall desist, after again directing the attention of honorable members to the case of the heirs of James Brown, of which this claim is a counterpart, a duplicate, which in fact is identical with it in all its circumstances. [He here sent the report of the committee in Brown's case to the Clerk, a part of which was then read.] I am satisfied, after this explanation, that it must be apparent to all, that whatever may be done hereafter, Congress has repeatedly heretofore granted relief in many cases precisely similar to the one made out in this application; and, indeed, that it has been the policy of the Government, for a number of years past, without exception, up to this time, to do so. I cannot, therefore, see why this claim of the widow and orphans of William Anderson should be made an exception to a rule so well established. But I am apprehensive that the prospective claims from Florida may have an undue weight upon the minds of some, in deciding upon this claim. Still I hope they will not; it will be time enough to consider the justice of those claims when they shall have been presented. If, however, the policy of the Government, heretofore pursued with regard to the Cherokee depredations committed prior to the treaty of 1798, should appear to be obviously unjust, I grant it should be abandoned. But I cannot see how any one can come to this conclusion, so as to make this small claim, which is perhaps the last of that class, an exception to a rule which has so long prevailed.

Mr. EVERETT, in reply to the arguments in favor of the bill, (of Mr. BELL, Mr. ASHLEY, and Mr. SHIELDS,) said that, since the debate of yesterday, he had examined this case, and was satisfied there was no foundation in principle for the claim. He was aware of the difficulty of engaging the attention of the House to an argument dry and uninteresting in itself, more especially in opposition to a claim of so trifling an amount. In addition to this, he was asking the House to reverse its own decision in a case identical with this, (the bill for the relief

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of Joseph Brown, passed in 1834.) It was reported in 1832, and sanctioned by a second report in 1834. The report in the present case, made at the last session, refers to that case, and relies on it as a precedent. He did not recollect whether the case of Brown underwent a discussion. It was reported and passed while he was engaged elsewhere on another committee, and was now for the first time brought to his notice; and the importance of the principles assumed was his apology for addressing the House, and constituted his only claim to their attention.

If the aggression complained of was an act of war, the principle assumed would extend to all aggressions of the enemy in time of war. This principle has not been adopted by any Government. The decisions of Congress have been uniform, on claims for such aggressions during the revolutionary and late wars. If a distinction is taken in favor of Indian aggressions, the principle will extend to those of the West down to the treaty of Greenville, (1795,) to those of the Black Hawk war, and to those committed and committing by the Creeks and Seminoles. At the time of this aggression (1788) there was but little ground for a distinction between Indian and foreign wars. The Indians were then regarded as foreign and independent nations; they were not surrounded by our settlements nor under our control. He would refer the House to the report of the Committee on Indian Affairs, in 1834, on the case of Alfred Stewart. If the aggression was to be taken as committed in time of peace, the principle assumed would extend to aggressions in all time before recognized war. It would be an authority for the allowance of the claims for the French spoliations prior to 1800.

Mr. E. said he should meet the claim on its strongest ground; that, for the purpose of the argument, he would give the claim the benefit of the admission of a fact left doubtful in the report—that the aggression was committed in time of peace, and was not in itself an act of war. I will here remark (continued Mr. E.) that the claim is for an aggression committed not on the person but on the property of the claimant, and that the claim derives no aid from the hostile character of the aggression.

The case, then, is simply this: The claimant, in 1788, with the assent of the Cherokee nation, was passing down the Tennessee River, within the Cherokee country, with his property, not for the purpose of trade, but with the sole view of passing through the country, to make a settlement below it, when his property was forcibly taken from him by the Cherokees; and for the property so taken he claims compensation. On what principle? Upon the assumed principle that the Government were bound to protect its citizens against Indian depredations, committed even in the Cherokee country; that it is bound to seek redress for such depredations; that it having made a treaty

without securing such redress, or having by treaty released the claim, they are bound to indemnify the sufferers. To lay a foundation even for the assumption of these principles, it should appear that some right, secured to the claimant by treaty, had been violated, and that the Government had in fact released a subsisting claim for indemnity. I shall endeavor to show that the aggression was not in violation of any right secured to the claimant by treaty; that no subsisting claim has been released; and that the Government are not bound, by any adopted principle of right or policy, to indemnify the claimant.

The treaty of Hopewell, of 1785, was the first treaty with the Cherokees, and established our first relation of peace with that tribe. By the 9th article of this treaty we secured the right to regulate the Indian trade; and the 10th article provides that, "until the pleasure of Congress be known respecting the 9th article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees, to trade with them, and shall be protected in their persons and property, and kindly treated." The 5th article provides that if any citizen of the United States, or other person, not being an Indian, shall attempt to settle on their hunting grounds, &c., such person shall forfeit the protection of the United States. No rights were secured to citizens to go into the Cherokee country for any purpose except that of trading with the Cherokees; protection was secured by the treaty to the property of traders only. The right of navigating the Tennessee River was not secured by this treaty, as was supposed by the gentleman from Tennessee, (Mr. BELL,) but by the treaty of 1791. The claimant was not a trader; he was not passing through the Cherokee country for that purpose. At that day the Indian tribes were treated with as foreign nations; and it is somewhat singular that in this treaty there is a provision relating to retaliation or reprisals, in case of a violation of the treaty: "that retaliation shall not be practised on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice, and, if refused, then by a declaration of hostilities."

Persons going into the Cherokee country had no other security than the treaty. In every other respect they submitted themselves to such usage as might befall them, without having any claim to call on the Government to seek redress for any injury either to their persons or property. The Cherokees may have violated their faith pledged to Anderson, but not the treaty. It is not intended to say that for any outrage the Government might not, if it chose, demand satisfaction; but that an individual has no right to demand this of Government, except for the violation of a right secured by treaty. It may here be proper to refer to the case of Pettigrew and Scott.—(Report of March 22, 1832.) The report in that case is based on

two facts, which are wanting in this case: that the aggression was committed in 1794, when descending the Tennessee River, in violation of a right secured by the treaty of 1791; and that the treaty of 1798 ceded lands in satisfaction of that aggression. They appear to have inferred the last fact rather from evidence of what occurred pending the treaty than from the treaty itself.

It will be remembered that the aggression was in 1788. The next material fact is that war immediately succeeded, and continued until 1791. Whatever claims the Government might have had against the Cherokees, even for violations of the treaty, were merged in the war. It is the remedy sought by the parties for the redress of all injuries. Admit, then, for the sake of the argument, that a right of the claimant, secured by treaty, had been violated, and that the Government were bound to seek redress, the act of war was the measure by which redress was sought—the highest act to which a nation can resort. And whether they in fact obtain redress must depend on the fate of war. But no Government guarantees the result. Its duty is, by all reasonable means consistent with the best interest of the community, to seek redress. It is not, however, bound to continue a war until redress is obtained. The higher interest of the country must control; and if this requires that a peace should be made without obtaining redress, the loss must be submitted to. The Government is bound only to use its best efforts; these failing, the citizen must submit to the fate of war. If, however, a satisfaction be obtained, in part or in whole, the Government is bound to distribute it among the claimants. The claimants for the French spoiliations prior to 1800 base their claims on the allegation that their rights secured by treaty were violated; and that the Government, by treaty, have released those claims, in consideration of an equivalent. The issue is made on the equivalent; but if the principle now assumed be admitted, this issue becomes immaterial. They will be entitled to relief, though an equivalent was not obtained, because it was not obtained.

By the treaty of Holston, of 1791, an end was put to the war, without any stipulation for satisfaction for prior aggressions on property. It provides for the mutual restoration of prisoners only. This applied to no species of property. The treaty of 1785 provided not only for the restoration of prisoners, but contained the further provision: "They shall also restore all the negroes and other property taken during the late war." The treaty of 1791 was simply a treaty of peace, not of indemnity. "There shall be perpetual peace and friendship between," &c. "All animosities for past grievances shall henceforth cease." The effect of the act of peace itself was to bury all past animosities. It foreclosed all claim on the part of the Government or its citizens for past injuries; all right ceased, and no subsequent treaty

could affect them, unless they were expressly recognized or assumed.

SATURDAY, January 7.

The honorable Mr. GHOLSON, member from the State of Mississippi, appeared, was qualified, and took his seat.

Descendants of James Brown.

The debate was continued by MESSRS. SHIELDS, EVERETT, and WARD, when

Mr. HOWELL called for the yeas and nays on ordering the bill to be engrossed; which were ordered and were—yeas 52, nays 96. So the bill was rejected.

MONDAY, January 9.

Foreign Authors.

Mr. ADAMS said he was desirous to make the general inquiry, whether any member of the House was charged with a petition from the authors of Great Britain to the Congress of the United States. If any gentleman was charged with such a petition, he (Mr. A.) had nothing further to state; he did not know but that the chairman of the Committee of Ways and Means (Mr. CAMBRELENG) had such a petition in his hands.

Mr. A. explained that his reason for making the inquiry was, that he had received a letter from a respectable person in England, Miss Harriet Martineau, enclosing a printed address or petition from certain authors of Great Britain to the Congress of the United States; and although the request was very distinct that he would favor the object of the petition, yet no positive request was made that he would present it. As the petition was merely a printed paper, without any signature, he did not feel himself at liberty to present it, if, as he presumed, there was in the possession of any other member of the House, who would present it, a petition regularly signed.

Mr. CAMBRELENG said he had no such paper in his possession.

And as it did not appear that any other member was charged with the presentation of the same, Mr. ADAMS said he would wait another week or two; and if a formal petition should not be presented by that time, he would present the one which had been forwarded to him.

WEDNESDAY, January 11.

Surplus Revenue.

Mr. CAMBRELENG, from the Committee of Ways and Means, made a report, accompanied by a bill, on the subject of the surplus revenue. The title of the latter was "a bill to reduce the revenue of the United States to the wants of the Government."

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Mr. OWENS remarked that as this was a very important report, as well as the accompanying bill, he would move that both be read; which was agreed to.

The bill and report were then read by the Clerk. The bill is as follows:

"A bill to reduce the revenue of the United States to the wants of the Government.

"*Be it enacted, &c.*, That from and after the 30th day of September next, in all cases where duties are imposed on foreign imports by the act of the 14th of July, 1832, entitled 'An act to alter and amend the several acts imposing duties on imports,' or by any other act, shall exceed twenty per centum on the value thereof, one-third part of such excess shall be deducted; from and after the 31st of March, 1838, one-half of the residue of such excess shall be deducted; and on the 30th of September, 1838, the other half shall be deducted, any thing in the act of 2d of March, 1833, to the contrary notwithstanding.

"*SEC. 2. And be it further enacted*, That from and after the 30th of September next, the duties on salt and coal shall be, and the same are hereby, repealed."

The bill having been twice read, and the reading of the report being concluded—

Mr. CAMBRELENG moved that the bill be committed to a Committee of the Whole on the state of the Union, and that the bill and report be printed.

Mr. LAWRENCE said, as a member of the Committee of Ways and Means, and one of the minority of that committee upon this subject, he hoped he might be permitted, in the outset, to express his entire dissent from the principles laid down both in the bill and in the report.

Sir, said Mr. L., this is a measure of great importance—no less than a bill to reduce the revenues of this country, which were proposed by the law of 1832 not to be reduced till 1842; that is, in five years and a half from this time. It was, he repeated, a bill to bring down the revenues of the country, in the short period of eighteen months, as much as was proposed by the law of 1832 in five years and a half. He wished, therefore, the members of the House to reflect for a moment upon the principles contained in that report, and those contained in the bill. He put the question to the members of that House, whether there was any serious, any abiding feeling there that that bill was to become the law of the land. This question should be answered; for the bill was of so much importance that it was a necessary duty that House owed to the country that it should be advised that such legislation was contemplated upon the great interests of the country.

What was to be the effect, merely, of simply reporting this bill now? It was to create a panic from one end of the country to the other. What was its present state, from Maine to Georgia? What was the state of our finances? How did they stand with reference to pecuniary facilities? Why, that in all the great commercial cities of the East, (and he understood

it to be worse and higher in the new States,) money was from fifteen to twenty or thirty per cent. per annum. Sir, said he, there is already a panic, growing out of the peculiar condition in which the finances of the country had been placed, and the effect of the proposition then before the House was to increase that panic; and how? You come down here, and propose a reduction upon all articles of import of ten per cent. in six months, ten per cent. more in six months thereafter, and ten per cent. more in the ensuing six months.

Mr. MANN, of New York, raised the point of order, whether the merits of the bill were open to debate at this incipient stage.

Mr. LAWRENCE would go through in one moment.

[Cries of "Go on!" "go on!" from several parts of the House.]

Mr. MANN remarked that the debate was entirely irregular; but if the House were disposed that it should go on, it could, of course, so order.

Mr. LAWRENCE said he intended to conclude his remarks by moving to lay the bill on the table. He proceeded. He wished to appeal to a few gentlemen of that House on the subject. He appealed, then, to the Representatives from the State of Pennsylvania, for the purpose of ascertaining whether this bill be a party measure; he hoped it was not; but he appealed to the members from that State, and asked them if they were ready to sanction and adopt the doctrines of that bill and report. He appealed next to the members from the State of New York. He had been told that that State was in favor of the system, but he did not believe it. He knew there were many gentlemen from that State on that floor in favor of this system; but a majority of her people, he had no hesitation in saying, so far as he knew them, never would sustain the doctrines set forth in that report.

[Mr. MANN exclaimed, he knows very little, then; about the sentiments of that people!]

Mr. L. also appealed to the State of Ohio, and to all the great and growing States of the West, if they had no interest in this question. Was there a gentleman upon this floor, truly representing his constituents, who would get up in his place, and say he was willing to place the whole industry of his country upon the same foundation as that of foreign nations? He could anticipate their answer. It would be in the negative. He appealed next to New England, to the whole of New England; he would appeal to the State of Connecticut, whose delegation composed a portion of the administration party in that House, if they would dare go home to their constituents with this report in their hands, and say to them, "this is our doctrine; we will stand or fall by it."

Sir, they would not be sustained for an hour if they did so. When he appealed to New England, he was aware there was a diversity of opinion upon this subject; but he was confi-

dent there was no difference of opinion on one point; and that was, that this extraordinary reduction, brought forward at this time, and under the circumstances, was without the shadow of a plea for it.

What had they been told by the Secretary of the Treasury? What did the departments say? Did not they tell them that, in their opinion, the revenue would fall short during the present year? Did not the Secretary of the Treasury, after making his estimates, (and who knew better?) state that the revenue, after the appropriation made on the 31st of December next, would be short at least three millions of dollars? And what did they know about the revenue of 1838? Who could say what would be derived from the customs or from the public lands? Who could tell what contingencies might arise in that interval?

Again he denounced the bill as a monstrous measure, fraught with the most dangerous consequences, and whose effect would be to weaken, if not break down, the bonds of confidence and credit which ought mutually to subsist between men and communities. He again and again reiterated his appeal to gentlemen of the administration party from Pennsylvania, Connecticut, and New Hampshire, &c., to come out and avow if they were in favor of this bill, or that they believed it to be for the interest of the country. Mr. L. then went on to show that the principles of free trade ought not to be attempted in this country until a corresponding feeling had been exhibited by Great Britain and the continent of Europe; for they taxed foreign articles most heavily, particularly tobacco, bacon and hams, coals, &c. He was referring to the British tariff on imported articles, when

The CHAIR interposed, and said the whole merits of the bill were not open at that stage.

Mr. LAWRENCE wished to speak of the effects of sending this bill out to the people, and, after doing so, should move to lay it on the table.

The CHAIR had merely apprised the gentleman that the merits of the bill were not open on a motion to print and refer it.

Mr. LAWRENCE inquired if a motion to reject it would be in order.

The CHAIR replied, not in that stage.

Mr. INGERSOLL. Would it be in order to move its indefinite postponement?

The CHAIR. That motion would be in order; but the motion to lay on the table would take precedence.

Mr. INGERSOLL. Would that motion open the discussion?

The CHAIR replied, that a motion to postpone indefinitely opened the whole merits of a proposition.

Mr. LAWRENCE then moved the indefinite postponement of the bill.

[A most animated discussion then took place on the whole merits of the bill, involving the three-fold questions of protection to manufactures,*surpluses to divide, and limiting the revenue to the

necessary support of the Government. The gentlemen who engaged in this discussion, were: Messrs. Lawrence, Cambreleng, Mann of New York, Ingersoll, Vanderpoel, McKay, Mercer, Reed, Craig, Adams, Bell, Thomas, Vinton, Owens, Toucey, Sutherland, Corwin, Galbraith, Muhlenberg, Calhoun, and Patton. A motion to lay the bill on the table was then made and decided as follows:]

YEAS.—Messrs. Adams, C. Allan, H. Allen, Anthony, Ashley, Bailey, Beaumont, Bell, Black, Bond, Borden, Briggs, Buchanan, J. Calhoun, W. B. Calhoun, G. Chambers, J. Chambers, Chetwood, Childs, Clark, Crane, Cushing, Darlingston, Denny, Evans, Everett, Fowler, French, Galbraith, R. Garland, Granger, Grennell, H. Hall, Hard, Harlan, Harper, S. S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Ingersoll, Ingham, Jones, Jenifer, R. M. Johnson, Henry Johnson, Kilgore, Lansing, Laporte, Lawrence, T. Lee, Lincoln, J. Mann, Samson Mason, Maury, McKennan, Mercer, Miller, Milligan, Morris, Muhlenberg, Parker, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Potts, Reed, Russell, Schenck, W. B. Shepard, Slade, Spangler, Sprague, Steele, Storer, Sutherland, Toucey, Turner, Vinton, Wagener, Wardwell, Washington, E. Whittlesey, T. T. Whittlesey, Young—93.

NAYS.—Messrs. Ash, Barton, Bean, Boon, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Dawson, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Elmore, Fairfield, Forester, Fry, Fuller, J. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Haley, J. Hall, Hamer, Haneghan, A. G. Harrison, Hawkins, Haynes, Halsey, Holt, Hopkins, Howard, Huntington, Huntsman, Jarvis, C. Johnson, J. W. Jones, B. Jones, Klingensmith, Lane, Lawler, J. Lee, L. Lea, Leonard, Lewis, Logan, Love, Loyal, Lyon, A. Mann, Martin, W. Mason, M. Mason, McComas, McKay, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Patton, F. Pierce, Peyton, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, A. H. Shepherd, Shields, Shinn, Smith, Standefer, Taliaferro, Thomas, John Thomson, Waddy Thompson, Turrill, Vanderpoel, Ward, Webster, Weeks, L. Williams, Wise, Yell—117.

So the House determined that the bill should not be laid on the table.

TUESDAY, January 17.

Executive Administration—Mr. Wise's Resolution.

The House proceeded to the consideration of the resolution heretofore offered by Mr. WISE.

Mr. McKEON said the reading of the resolution must bring to the attention of the House the fact that a large portion of its time had been expended upon the discussion of the various topics which had been introduced into the debate. He was deeply impressed with the

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necessity of confining any remarks he might offer within a narrow compass. He assured the House that nothing would have induced him to prolong a debate already too much extended, except that justice to those with whom he acted, and to himself, required him to notice some of the observations made in the course of the debate.

When the resolution of the gentleman from Virginia (Mr. Wise) was introduced, I viewed it, said Mr. McK., as a measure novel in its character, and one calculated to establish a precedent which might hereafter be perverted. In the phraseology of the resolution, I saw a power of unlimited extent intrusted to a committee of this House. I am not of that school which insists upon a search warrant to authorize you to examine your public offices; but I cannot but believe that, if you intend to examine any matter beyond the manner in which your public agents discharge the duties of their appointment, you will require something more than a resolution of this House. What does the original resolution propose? To examine into the official and unofficial conduct of those who are directly or indirectly connected with the public departments. This is the task which is to be allotted to a committee of this House. This is the inquisitorial tribunal you propose to create. If we appoint the committee, how can it proceed in the discharge of its duty? The power of this House can go no further than to examine into the official conduct of those who are in office, who receive their compensation at your hands, and who are liable to censure and removal for any breach of duty. In every point connected with your public offices, in every matter of an official character, you have the right and the power to exact a rigid, strict examination; but when you will attempt to inquire into the unofficial conduct of a public officer, or to make the wide-spread investigation proposed by the resolution, the success of your investigation will depend more upon the disposition of those who may be called before the committee than on any power of this House to compel them to satisfy your inquiries. You will search in vain for a precedent for this movement in parliamentary history; but you may find one elsewhere. There can be found one direction to which it bears a strict resemblance. The command of this House to the committee may be found in that of Dogberry to the watch, a sweeping resolution to "comprehend all vagrom men," and to let all go who will not stand according to order. Let it be considered that we have several standing committees, whose duty it is to investigate the affairs of your departments. Let it be considered, also, that, a few days since, we appointed a committee, at the head of which is the gentleman from Virginia, (Mr. GARLAND,) which committee is daily engaged in the examination of one of the subjects referred to in this resolution. Yes, sir, the very point which, I believe, according to the mover of this proposition,

gave rise to this proposed investigation. But in addition to these means which are within our power, the amendment of the gentleman from Rhode Island is offered. That amendment is, in my opinion, not open to the objections which may be made to the original proposition. It is in accordance with parliamentary practice. It is no part of the duty of a Legislature to undertake an exploring expedition in search of abuses; but if abuses are charged, it becomes a solemn duty to investigate them. The amendment proposes to create a tribunal before which charges can be made, and to examine into the truth of those charges. Suppose a petition was presented to this House, and referred to one of the appropriate committees, praying an examination into the manner in which your public officers discharge their duties, and setting forth that abuses existed. Your committee would ask the petitioners for specific charges, and if they were produced the examination would be made. I doubt very much whether they would inquire of your different departments and bureaus for something to sustain the allegation of the petitioners.

But, sir, it appears that your standing committees, your select committee, the amendment, will not be satisfactory. Nothing will give sufficient latitude but the original resolution. I prefer sustaining the amendment, believing it cannot be perverted hereafter into a dangerous precedent; but if that cannot be adopted, I shall not be found denying investigation. I am willing to give every facility, and to afford ample means, to pursue the desired examination; to have the official transactions and correspondence of your public offices laid open. As the representatives of the people, we are bound to guard every department. We are bound to pour light into every portion of this Government. It is due not only to the country, but to the incumbents, to those on this floor who wish the examination, that some decision should be had on this subject, and that without delay. The debate which has arisen upon this resolution has resuscitated the denunciations and charges which we had reason to believe were long since buried. I have been surprised to observe the course of the present discussion. The same accusations of corruption, of proscription, and of abuses of every nature, which were made at the last session, with a view of operating on the then approaching political contest, are reiterated upon the present occasion. We ought to suspect that our fate has been that of Rip Van Winkle; that we have been sleeping quietly while the thunders of the opposition, louder far than any which reverberated through the Catskill, have been pealing over us, and we have been unconscious of the presidential contest which has just closed. If there is to be a repetition of those charges, it is full time we should be aroused. I have sought for new statements, but none are offered. Let it be remembered that the same representations which are made

now were made before the struggle commenced; that the same evidence, sustained by the aid of the same distinguished gentlemen, was laid before the people of this country, and that the people supported him against whom these charges were intended to operate. Why do gentlemen stop even now? Why do they halt? Why not cross the Rubicon? There is still remedy left. If outrages upon the constitution, if violations of the liberties of the people, have been committed, why, instead of making the accusation, is not the individual who is the author of these evils made liable to the consequences of impeachment? If he has violated the rights of any of your citizens, any of the rights of any branch of the Government, why is he not placed in a situation where he will be required to defend his public character from these accusations? If we have watchful sentinels on the ramparts of constitutional liberty, let them not only sound the alarm, but let them seize upon him whom they represent to be an enemy of the country. That country has a right to demand this movement at the hands of those who are so desirous of preserving its interests from violation. Nothing is easier than to denounce. We ask for the evidences to support the charges they make—we ask for action. The Executive has been represented as a violator of his pledged faith, as one who had broken every pledge. Let us look to his inaugural address, which ought to be considered as an exposition of the policy which would characterize his administration. In regard to your foreign policy, he had stated that he would endeavor to preserve peace and cultivate friendship with all nations on honorable terms, and to adjust our differences in the forbearing spirit becoming a powerful nation, rather than the sensibility belonging to a gallant people. Has this been fulfilled? Do you find the violation of this pledge in the elevated position which our country sustains amongst the nations of the earth? He pledged himself to a spirit of compromise, equity, and caution, in regard to your tariff, by the promotion of agriculture, commerce, and manufactures; and if any encouragement should be given, it was only to those articles which might be found essential to our national independence. Let his Messages to Congress show how far he has labored to discharge this pledge. He avowed his determination to reform abuses, by depending for the promotion of the public service not on the number, but on the efficiency, the integrity, the zeal, of public officers. Let the consequences of the toils of those agents, visible in the negotiation of foreign treaties, and in the happy results of the faithful discharge of duties within our country, be his defence on this point. He promised to facilitate the extinguishment of the public debt. Has that been discharged? Does not the contest here for the division of an immense surplus in your Treasury speak for him on this subject? Has not, during this administration, the novel spectacle

been presented to the world of an immense republic, unshackled with a national debt? When the violence of political feeling shall have subsided, but one opinion, sir, will be given of the present administration; and if, as some gentlemen insist, the coming administration will be but a continuation of the policy of the present, the country may be congratulated on the prospect of a career of brilliancy and prosperity. It will be a continuation of a policy which seeks to enlarge the liberties of every citizen, and to promote the welfare of the Union.

The corruption which exists in the Government is a fruitful theme. The dictation of the Executive, and his interference with the elective franchise, have been blazoned forth to the world. Sir, if we have had a dictator, he bears but little resemblance to the Sylla of other days. The Roman retired when the aristocracy had been armed with the sceptre, but our dictator is about to surrender his trust when the democracy is triumphant. Do gentlemen suppose that the intelligence of this country is to be deceived with this outcry? May we ask when and where this dictation took place? Who were the individuals who yielded, or the States that submitted to his commands? We hear of Tennessee! That State did not vote for the individual who is said to have obtained his election by the dictation of the Executive. If the dictation of the President was of any avail, it must have been united not only with omnipotence, but omnipresence. Its results are seen in Maine, and at the same time in Louisiana—in the Atlantic States and in your far West. This charge (let gentlemen consider) of dictation and of corruption reaches not only the Executive, but at those above that Executive. The poisoned arrows which are scattered strike not only those against whom they are aimed, but at the body of the American people. If there are corrupters, where are the corrupted? Are we to seek for them amongst the honest yeomanry of the land? Is this degrading character to be given to our countrymen? I trust we are not ready to look upon a majority of our fellow-citizens as obedient slaves, obeying the edicts of an imperial master. The sin of the Executive has been that he moved in unison with the people, and for this he is denounced. This is his crime, in the eyes of his opponents. I cannot believe that his course will at any time be deemed unpatriotic, or prejudicial to the institutions of our common country.

I cannot omit a reference to the allusions which have been made to the President during this debate. The gentleman from Virginia (Mr. Wise) has traced his course from the period of his early obscurity to the present exalted station which he now holds. From its rise in humbleness, he has found the tenor of his life a broad and sweeping current, rolling onward under the living light of day and the steady gaze of the nation. Parallels are sought;

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but where? Are they sought for amongst the patriots whose reputations are interwoven with the brightest epochs of the past? Are they found in some brilliant example of devotion to country, of fidelity to her institutions, of purity of purpose, of undying patriotism; amongst the Aristides, the Curtii, or the Catos? No, sir; we find them seeking for parallels in the most corrupt and degraded periods of the Roman Government. They find them in a Commodus or a Severus; in the vile, the profligate, and depraved emperors of a crumbling empire. Who is your modern Commodus? Shall I summon from his many battle-fields the manes of the dead to be his defenders? No, sir; let the living attest his worth! Let them answer whether or not it was by collecting around him the abandoned Cleanders of his time he led your country through many difficulties up to the eminence on which he now is leaving her! Even in the highest excitement of a political contest, we ought not to forget the services of our public men—of those who “have done the state some service.” The petty differences of party will disappear, but the results of the labor of those men never will be destroyed. For one, I will not desecrate the temple of our Union by any attempt to deface one particle of those brilliant names that may cast their splendor over it. Fidelity to our own principles never can be incompatible with justice and toleration for those of our opponents. I speak of this point not as a partisan, but as an American. I cannot be deterred, by the fear of being termed a flatterer, from doing justice to any man. I ask gentlemen how they can hope that the people will attend to their charges? We are told it is to inform the people of the dangers they have passed—of the conspiracies against their liberties that have been exploded. Why, sir, Cicero himself would not have been heeded when the conspirators were deprived of all power to injure. The people of this country will not, as the hour is approaching which is to separate them from him who has for years enjoyed their highest confidence, stand with ready ear to listen to denunciations. Not while one spark of gratitude remains will they refuse to shield him. They will be seen protecting him from the flames of political persecutions; they will be the first to rescue him—the patriot who has led their armies to victory and given permanency to their Union—from the ignominy of being placed in the same niche of immortal infamy with a Commodus or a Severus.

We have been told that the approaching administration will be brought into power by the vilest means; that it is the triumph of the New York system. I find that it is the fashion of the hour to refer to that State. Her immense resources, her natural and artificial advantages, are paraded to excite a jealousy against her interests and her sons. Is this the spirit in which this Union was framed, or can be maintained? Why, to secure a petty triumph

of party, is this effort made to array section against section, State against State? In sorrow, not in anger, have I heard the charges made against that State. I have witnessed the efforts to injure her fair fame; but still I look upon my native State with pride. Not one particle of her reputation is yet tarnished. That State can look back upon the past with high satisfaction, and look forward to the future with the brightest anticipations. What, sir, has been her system? She has had “a giant's strength, but she has used it like a giant.” She stands erect in the consciousness of her sacrifices to the independence, the liberty of the country, and to the Union of these States. She presents to you her Saratoga, as her evidence of her devotion to the cause of the Revolution. Every point of her whole frontier is the theatre of resistance to the invasion of a savage or a civilized foe. In peace, as in war, no sordid policy has characterized her course. I challenge gentlemen to point out in the votes of her Representatives here, or in the legislation of the State, any disposition to elevate that State at the sacrifice of the rights or interests of any section of this confederacy. Her history contains not a single line for which one of her sons need blush. Proud of her history, proud of her enterprise, for one, I would, in the language of one who has given glory, not only to that State, but to the whole confederacy, as soon forget the mother that gave me birth, as that State the trophies of whose systems may be seen in the unrivalled prosperity of her millions of inhabitants. The power she wields was never exercised for oppression. Mighty she has been, but none have been more meek. To be the equal, not the superior, of her sister States, has ever been her object. Gratitude demands this humble tribute from one who owes her much; and justice requires that her character should not be misrepresented.

Mr. Wise said that the parliamentary practice had been that the gentleman who had offered a resolution, and opened a debate, should be indulged in replying to members who had opposed it, and in concluding his debate. He had intended to avail himself of this indulgence, but now the previous question was forced upon the House. Now, it appeared, gentlemen seemed disposed to pass the resolution; to pass it, in order to save the administration party from the imputation of delaying action on the resolution by debate. He would ask, however, and he would thank gentlemen to answer him, whether they could now relieve themselves from this odious imputation—an imputation which they deserve. I tell you and the country (said Mr. W.) that I have been asking for this investigation for nearly two years. And how far are we now from the end of the session? Within six weeks of the end, with all our other duties to attend to, and we are told that this a sufficient space of time to investigate the huge, the mammoth opera-

tions of this corrupt and profligate administration. Six weeks, sir. I have been detained two weeks at home, detained by the state of the weather, and I find, on my return, that the administration has already carried out their own work for me, by which I am detained from ten until nearly midnight in wading through one branch of this investigation.

Gentlemen now propose to give me this Herculean task. Gentlemen, it is like all your candor, all your plans, and all your honesty. Make the most of it. Go, with a blush on your cheeks, without shame or confusion, before the people, and tell them this!

I now renew the motion made by the gentleman from New York for the previous question.

And the House seconded the call—yeas 94, nays 51.

Mr. MORGAN called for the yeas and nays on the question of taking the main question; which were ordered, and, being taken, were—yeas 121, nays 52.

So the House determined that the main question should now be put.

And the main question, being on concurring with the Committee of the Whole on the state of the Union, on the original resolution of Mr. Wise, reported therefrom, was taken, and decided in the affirmative—yeas 165, nays 9.

WEDNESDAY, January 18.

Crimes in the District of Columbia.

The following Message, in writing, was received from the President of the United States:

To the Speaker of the House of Representatives:

SIR: I hereby transmit to the House of Representatives certain communications from the Secretary of the Treasury and the Attorney of the United States for the District of Columbia.

They relate to the difficulties which have been interposed, under the existing laws, in bringing to conviction and punishment the supposed incendiaries of the Treasury buildings in the year 1833.

The peculiar circumstances of this case, so long concealed, and of the flagrant frauds by persons disconnected with the Government, which were still longer concealed, and to screen some of which forever was probably a principal inducement to the burning of the buildings, lead me earnestly to recommend a revision of the laws on this subject. I do this with a wish not only to render the punishment hereafter more severe for the wanton destruction of the public property, but to repeal entirely the statute of limitation in all criminal cases except small misdemeanors, and in no event to allow a party to avail himself of its benefits during the period the commission of the crime was kept concealed, or the persons on trial were not suspected of having perpetrated the offence.

It must be manifest to Congress that the exposed state of the public records here, without fire-proof buildings, imperatively requires the most ample remedies for their protection, and the greatest vigilance and fidelity in all officers, whether executive or judi-

cial, in bringing to condign punishment the real offenders.

Without these, the public property is in that deplorable situation which depends quite as much on accident and good fortune as the laws for safety.

ANDREW JACKSON.

JANUARY 17, 1837.

Letter to the Secretary of the Treasury.

WASHINGTON, December 27, 1836.

SIR: According to the request in your letter of this day, I enclose a copy of the instructions given by the court to the jury, on the act of 1790, on the trial of Richard H. White.

I understand that the only juror who held out for acquitting the prisoner was satisfied of his guilt, but refused to find him guilty on the ground of this instruction as to the limitations. It is certainly highly necessary that the law should be so amended as to prevent the bar of the statute from operating in the cases where the proper officers of Government did not know, and could not by due diligence have known, by whom the offences were committed. One or two cases similar to the present have occurred heretofore in the circuit court, in which this defence has been sustained.

Very respectfully, your obedient servant,

F. S. KEY, *U. S. Att'y D. C.*

The Message was, on motion of Mr. THOMAS, referred, with the accompanying documents, to the Committee on the Judiciary, and ordered to be printed.

MONDAY, January 23.

Abolition of Slavery.

An unusually large number of petitions and memorials, on the subject of slavery in the District of Columbia, were presented by different members, and were immediately laid on the table.

Mr. ADAMS asked the House at this time to take up and decide on the objection raised to the reception of the petition, presented by himself, from Lydia Lewis and others, (and subsequently returned to him,) praying the abolition of slavery in the District of Columbia.

The SPEAKER said the resolution which had been adopted covered all these cases. The gentleman from Massachusetts might send his petition to the Chair, and it would be laid on the table.

Mr. ADAMS said he did not doubt his right to send the petition to the Chair. The Speaker had decided heretofore that the petition was not in the possession of the House. Mr. A. now wished for a decision on the question of receiving the petition, which, on the journal, appeared to have been presented by him.

The SPEAKER said the gentleman might present his petition, and send it to the Chair, to be disposed of under the resolution.

Mr. ADAMS said it was not his intention to send it again to the Chair.

The SPEAKER said then there was nothing be-

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Admission of Michigan.

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fore the House, and the gentleman was out of order.

[Mr. A. then presented a great number of similar petitions; all of which were laid on the table.]

Mr. ADAMS presented a petition which he thought could not be included in the resolution adopted by the House. It was a petition from fifty-four ministers and members of the Lutheran church in the State of New York, praying Congress to enact laws to secure to all the inhabitants of the District of Columbia the protection of the law and the rights of the declaration of independence. There was nothing about slavery or the abolition of slavery in it. He moved that it be referred to the Committee for the District of Columbia, and that it be printed.

The SPEAKER said the gentleman from Massachusetts knew the contents of the petition, but the Chair did not. If the petition related to the subject of slavery, it must be laid on the table.

Mr. HUNTSMAN thought the Speaker should read the petition, in order to ascertain whether it came within the meaning of the resolution.

Mr. PARKER insisted that the only way of arriving at the nature of the petition was to read its contents.

Mr. ADAMS. But the order of the House declares that the petition shall not be read.

The SPEAKER. Then the gentleman admits that it relates to the subject of slavery.

Mr. ADAMS. I do not admit any such thing. I have presented the petition in the form required by the rule, by giving a brief statement of its contents.

The SPEAKER looked for a moment into the body of the petition, and then said that, in his opinion, it fell clearly within the meaning and intent of the resolution.

Mr. ADAMS appealed from the decision of the Chair, and demanded the judgment of the House whether this petition should be received and read or not.

The SPEAKER said that the petition spoke of the absolute control held over a portion of the inhabitants of the District who were claimed as property. In his opinion it was embraced within the order.

Mr. PINCKNEY demanded the previous question on the appeal.

And the House seconded the demand—yeas 80, nays 51.

And the main question, "Shall the decision of the Chair stand as the judgment of the House?" was taken, and carried—yeas 170, nays 3.

WEDNESDAY, January 25.

Admission of Michigan.

The House resumed the consideration of the bill from the Senate, entitled "An act to provide for the admission of the State of Michigan

into the Union on an equal footing with the original States."

The question pending was the demand for the previous question, made yesterday by Mr. MANN of New York.

The House seconded the demand—yeas 84, nays 67; and the question recurring on ordering the main question to be put—

Mr. THOMAS said he had voted in the negative on the seconding the previous question. But now the position of the bill had been changed, and he hoped the House would not refuse to order that the main question be now put. If that was done, the further action of the House on the bill would be postponed until to-morrow. The bill would be open for discussion after it has been read a third time, on the question of its final passage. By ordering the main question, the House will not close the debate, but it will signify a willingness to take the bill as it is, without further amendment.

The question was then taken, on ordering the bill to a third reading, and was decided in the affirmative—yeas 140, nays 57, as follows:

YEAS.—Messrs. Adams, Anthony, Ash, Barton, Bean, Bell, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, J. Calhoun, Cambreleng, Carr, Casey, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Denny, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Forester, Fowler, Fuller, Galbraith, J. Garland, R. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Haley, J. Hall, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Holt, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, B. Jones, Kenyon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay, G. Lee, J. Lee, T. Lee, L. Lea, Leonard, Logan, Loyall, Lucas, Lyon, A. Mann, J. Mann, Martin, W. Mason, M. Mason, May, McComas, McKay, McKeon, McKim, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parks, Patterson, F. Pierce, D. J. Pearce, Peyton, Phelps, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, A. H. Shepperd, Shields, Sickles, Smith, Sprague, Standefer, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, T. T. Whittlesey, Yell—140.

NAYS.—Messrs. H. Allen, Bailey, Bond, Briggs, W. B. Calhoun, G. Chambers, J. Chambers, Channey, Chetwood, Darlington, Dawson, Deberry, Elmore, Graves, Grayson, Griffin, H. Hall, Hardin, Harper, Hazeltine, Heister, Hopkins, Ingersoll, Janes, Jarvis, Jenifer, Lawrence, Lewis, Lincoln, Love, S. Mason, McCarty, McKennan, McLene, Mercer, Milligan, J. A. Pearce, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Russell, Slade, Sloane, Steele, Storer, Taliaferro, W. Thompson, Underwood, Vinton, E. Whittlesey, L. Williams, S. Williams, Wise, Young—57.

So the bill was ordered to be read a third time to-day.

It was read accordingly, and passed by the same vote, with the exception of a few members who had left the House.

FRIDAY, January 27.

Representative from Michigan.

Mr. THOMAS moved that ISAAC E. CRARY, who was in attendance from the State of Michigan, and whose credentials were presented at the last session of Congress, be qualified.

Objection being made, and a debate commencing, the previous question was called, and seconded, and the main question put, and carried—yeas 150, nays 32.

So the House decided that ISAAC E. CRARY be now qualified to take his seat as a member from the State of Michigan.

Mr. CRARY was then qualified, and took his seat as a Representative in Congress from the State of Michigan.

MONDAY, January 30.

Abolition of Slavery.

Mr. ADAMS said that he had in his possession a number of petitions in relation to slavery—some praying for the abolition of slavery in the District of Columbia; some for the abolition of slavery in the Territories; some for the abolition of slavery and the internal coasting slave-trade; and some for the prohibition of the exportation of slaves to Texas, or to the dominions of any foreign power. He was under the necessity of presenting these petitions separately and distinctly, as they came partly from his constituents and partly from people in other parts of the United States. He asked leave to address the House on the right of the petitioners to have their petitions read. He wished that the request might be entered on the journals, and that he might have the yeas and nays upon it. He therefore submitted his request or motion; upon which motion the yeas and nays were ordered, and were—yeas 44, nays 124.

So the House would not suspend the rule.

Mr. A. presented the memorial of the Young Men's Abolition Society of the city and county of Philadelphia, remonstrating against the recognition of Texas. Mr. A. moved that it be read, and called for the yeas and nays on that motion.

Mr. HAWES moved to lay the whole subject on the table; on which question the yeas and nays were ordered, and were—yeas 131, nays 62.

Mr. ADAMS then presented, in succession, thirteen or fourteen additional memorials and petitions on the same subject, praying against the coasting slave-trade, the exportation of slaves to Texas, &c. Each petition was immediately, under the rule, ordered to lie on the table.

For each petition Mr. A. moved a reading; which, under the rule, was refused by the Chair; and against each decision of the Chair Mr. A. appealed to the House.

In each case Mr. CUSHMAN moved to lay the whole subject on the table; and in this manner all were disposed of.

A memorial of certain citizens of Kentucky,

in favor of aid and support being extended to the Colonization Society, being presented by Mr. CALHOON, Mr. ADAMS moved that the memorial be read; which having been done, Mr. A. made some remarks in the view that, as this memorial related to slavery, it should meet with the same treatment which his own petitions had. Mr. A. moved, therefore, that the memorial be laid on the table.

After some remarks from Mr. MERCER in favor of the petition, the motion was put, and lost by a great majority against it.

TUESDAY, January 31.

Mr ALFORD, member elect from the State of Georgia, appeared, was qualified, and took his seat.

THURSDAY, February 2.

Navy Appropriation Bill—Exploring Expedition.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. PATTON in the chair,) on the bill making appropriations for the naval service for the year 1837.

Mr. CAMBRELENG explained that the principal increase in this bill above that of the last year was in consequence of the equipping the exploring expedition; besides this, there was an appropriation for fitting out the ship of the line Pennsylvania and two sloops of war.

The first clause was read, as follows:

"For pay of commissioned, warrant, and petty officers, and of seamen, \$2,434,886."

Mr. JARVIS said that as in the first item was included a part of the expense of the exploring expedition, which seemed about to be carried to an extent which he did not think necessary, or that the country would justify, he should move a reduction of it. He had been taken by surprise, for he had understood that the civil and diplomatic appropriation bill would be taken up to-day, and he had left his estimates for the reduction at home. He would, however, venture to move a reduction of \$150,000 in the estimates for the exploring expedition, comprised in this and some other items, of which the pay would be about one-third; and before the bill was brought into the House he should be able to ascertain the exact reductions which were necessary, and would correct the bill accordingly, provided the committee agreed with him in opinion upon the expediency of diminishing the expenditure.

Mr. J. said he objected to the employment of so large a vessel as the frigate *Macedonian* on the exploring expedition, on account of her unfitness for the purpose and the great increase of expense. He said we ought not to think so highly of ourselves as to suppose that we could not profit by the experience of other nations; and went on to recapitulate the scale of the exploring expeditions of Great Britain and France.

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He adduced the testimony of Captain Cook, who, before he departed upon his third expedition, that ended so fatally to himself, bequeathed, as a legacy to the world, his opinions on this subject. That great navigator contended that large vessels were unfit for the business; that the vessels must be of a light draught of water; of a construction that would take the ground easily, and that might be hove down whenever and wherever it might be necessary to examine their bottoms. The vessels he recommended were the north country colliers, of from four hundred and fifty to three hundred tons burden. These were the descriptions of vessels in which he had performed his two voyages, and was about to undertake a third; and he distinctly says that a forty-gun ship would be too large. Yet we are about to send out a frigate mounting forty-nine guns. He repeated the assertion of Cook, that no captain could discharge his duty as the head of an exploring expedition in a vessel of this description without too great hazard to the safety of his ship and of his crew. It might be urged that increased experience had shown that Cook was in error; but, so far was this from being the fact, it was well known that the latest expeditions of France and Great Britain had been performed by still smaller vessels. The *Chanticleer* was only about two hundred and fifty tons, and had between fifty and sixty men; and the *Astrolabe*, of whose voyage so splendid an account had been published by the French Government, was only a corvette, with a crew consisting of seventy-nine persons, including officers and men of science. The whole number of her scientific corps consisted of two surgeons of the navy and one draughtsman, while ours was to consist of eighteen persons, which (Mr. J. said) he had no doubt would be found equal in number, if not in science, to the corps of savans that Bonaparte took with him to Egypt.

The officers of the navy, (Mr. J. said,) so far as he had been able to ascertain their views, agreed with him in opinion—high and low, young and old; however they might differ on other points, all seemed to think that a frigate was not the vessel to be sent. If the squadron were composed of small vessels, the accidental loss of one of them would not endanger the result of the expedition; the crew might, without inconvenience, be divided among the remainder; but if the frigate were to meet with an accident, and her three hundred men were to be so divided, they would be so crowded on board the small vessels as to force them to return home, and the whole object in view would be defeated. Mr. J. concluded by saying that he was desirous that the expedition should be crowned with success, but he was fearful it would only be covered with ridicule unless a change was made in its organization; and he therefore hoped that his motion would prevail.

Mr. CAMBRELENG had made inquiries of many practical men, and some of the highest officers of the navy, on this subject; and, from the in-

formation he had obtained from them, he was perfectly satisfied that the view taken by the gentleman from Maine was correct, and he hoped the House would concur in it, and reduce the appropriation.

Mr. PHILLIPS said, if the leading friends of the administration, in view of the present posture of the question, in view of the present expectation of the world, in view of the responsibility assumed by the President, were disposed to interpose any obstacle to the completion of this expedition, upon them be the responsibility of its failure; for fail it would, if this motion should prevail.

Mr. CHAMBERS, of Kentucky, cited the law passed last session authorizing the President to employ a sloop of war, and such other smaller vessels as might be necessary for the expedition, appropriating \$150,000 for that purpose.

Mr. ADAMS thought the gentleman from Maine, the chairman of the Committee on Naval Affairs, had done the President and heads of Departments injustice. Mr. A. entreated gentlemen to withdraw the motion to reduce the appropriation. He did not consider it too large for the objects to be obtained. He would vote three times the amount, if called upon to do so, because it was his hope that this expedition would shed honor on the American character, instead of holding it up to the ridicule of the world.

Mr. VINTON said, we have passed the law directing the exploring expedition to be sent, and, for one, he wished the responsibility of its proper execution to rest upon the Executive, where it belonged, and not upon this House. Mr. V. said that in respect to himself he could say with perfect truth that he was wholly ignorant of the details and preparations necessary for such a voyage; he did not, therefore, wish to assume the responsibility of volunteering any directions respecting them. The gentleman predicts a failure of this expedition if conducted upon the present plan; but is not the hazard of failure greatly increased if we undertake to interfere and direct a new plan? From the moment we interfere, the Secretary is relieved of all responsibility; and in case of failure the Congress of the United States will have acquired the enviable reputation of having procured for itself the praises of the whole civilized world by the enactment of a law directing the expedition, and then of having disappointed the high hopes everywhere entertained of it, by volunteering its interference in the details of the enterprise as already adopted, and, he had no doubt, wisely adopted.

Without pretending to know which was the most suitable for this service, a frigate or a sloop of war, yet he thought in one important respect at least the former was preferable to the latter. Mr. V. said that he had occasionally seen statements of the extent and operations of our commerce in that quarter of the globe, which to him were truly astonishing. It was carried on in a region where all the inhabitants

are barbarians; our merchants, in their intercourse with them, were subjected to perpetual vigilance against surprise and violence, and, after all, accounts are by no means uncommon of attacks, murders of our seamen, and even of captures of ships with their crews. On these occasions the most shocking barbarities are usually committed. Now, these people, whose lives and property are thus perilled, constitute a part of the sum total of the population and wealth of the nation. The Government is bound to give them every reasonable protection. For one, Mr. V. said, he was willing to afford that protection to American capital and enterprise, without stopping to inquire what region of the globe was the theatre of their operations. All barbarians entertain very extravagant ideas of their own power, and very contemptible notions of the power of those who have not made before their eyes a display of superior power. It must of necessity be so, since their whole stock of knowledge, from which to make their comparisons, consists of what they know of themselves and see of others.

These people know they are an overmatch for our merchant vessels; and, never having seen any thing else, they are not aware of the existence of ships of superior force. They therefore attack our vessels without fear of future chastisement. The display before them of a frigate would undeceive them, give them new ideas of our power, and cause them to hesitate before making an attack on our merchantmen, for fear of future punishment. It is in pursuance of this policy we have spent millions of dollars in stationing military posts and making military displays in the presence of the Indians, far in the interior, solely with a view to impress them with an idea of our power, and thus so far overawe them as to give security to the weak and powerless of our people who have intercourse with them, without the means of defending their persons or property. Mr. V. said it appeared to him that the sending out of a frigate was only an extension of our existing and long-established policy to the barbarians in the South Sea islands, with whom our people are brought into intercourse. The small vessels will perform the explorations, while the frigate would perform the equally important duty of demanding satisfaction of the natives for wrongs already done, and promising them punishment for those they may in future commit; and in many other respects greatly facilitate the labors to be performed by the squadron. If he was mistaken in his views of this subject, he should nevertheless adhere to the opinion that the Executive should be left untrammelled in directing the outfit and conduct of this important expedition. Mr. V. said he could not suppress the expression of some surprise at the course the gentleman from Maine (Mr. JARVIS) had taken, recollecting, as he did, that at the last session the same gentleman was opposed to the expedition, because not only the equipment,

but even the sending it out at all, had not been left to the sole discretion of the Executive. At present, he would have this House to interpose its authority by indicating to the same Executive what class of vessels should be employed! He, (Mr. V.), of course, had no right to impugn men's motives, nor did he; but still he could not regard those who wished to derange the organization at present agreed upon as very friendly to the enterprise in any form.

The expedition was, as he had said, honorable to our national character; would be so regarded abroad and at home; was expedient, for wise purposes connected with our great commercial interests; would add much to various departments of human knowledge; and would, he had no doubt, at all times be amply provided for by Congress. It had, he believed, received the individual support of the delegation in Congress from Ohio, and would not be lost sight of by the people of that State.

Mr. BRIGGS said it was evident that they could not get through the bill to-night, and he therefore moved that the committee rise. Agreed to.

The committee then rose and reported.

FRIDAY, February 3.

Mrs. Susan Decatur.

The House proceeded to the consideration of the joint resolution granting a pension to Susan Decatur, widow of the late Commodore Decatur.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Susan Decatur, widow of the late Commodore S. Decatur, be paid from the navy pension fund a pension for five years, commencing from the 30th of June, 1834, in conformity with the provisions of the act concerning naval pensions and the navy pension fund, passed 30th June, 1834; the said pension not to be liable for her responsibilities on account of the debts of her late husband; provided that the said pension shall cease on the death or marriage of the said Susan Decatur."

A motion was made by Mr. WASHINGTON to amend said resolution by striking out the words "the said pension not to be liable for her responsibilities on account of the debts of her late husband," and inserting in lieu thereof the following: "and that she be allowed, from said fund, the arrearages of the half pay of a post captain from the death of Commodore Decatur to the 30th June, 1834, together with the pension hereby allowed her."

To which amendment the following was offered by Mr. MERCER, and accepted by Mr. W.: "And that the arrearage of said pension be vested in the Secretary of the Treasury, in trust, for the use of the said Susan Decatur."

Mr. WHITTLESEY, of Ohio, moved to commit the resolution to the Committee on Naval Affairs; which was lost.

The amendment of Mr. WASHINGTON was then

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agreed to; and the resolution, as amended, was then engrossed, read a third time, and passed, and sent to the Senate for concurrence.

SATURDAY, February 4.

Scene in a Committee Room—Messrs. Peyton, Wise, and Whitney: Statements of Messrs. Peyton and Wise.

MR. PEYTON asked the indulgence of the House to notice a matter personal to himself, which had appeared in the official journal of this morning.

Leave being given,

MR. PEYTON said: The House would bear him witness that he had not been in the habit of annoying them with matters personal to himself, which occurred out of doors. Now, however, he felt bound to request a moment's indulgence, not so much on his own individual account, as because it was due to the committee, and to the House of which he was a member. He (Mr. P.) referred to a statement which had appeared in the *Globe* of this morning, which was as follows:

"If this statement be true, or even approach the truth, it is evident that a gross outrage was committed by MR. PEYTON towards a witness summoned to testify before the committee, and therefore under its protection; and an act of such disrespect to the committee itself as should have subjected MR. PEYTON to its severest censure."

The statement of Whitney alluded to was not only untrue, but it did not even approach the truth. In answer to it, nothing more was necessary for him to do than simply to state to the House the facts of the case, as they appeared upon the journal of the committee.

It would be sufficient to state that his friend from Ohio, (MR. HAMER,) though differing from him (Mr. P.) in politics, moved, on the conclusion of the occurrence in question, a resolution of censure against Reuben M. Whitney for insulting him, (Mr. P.,) which passed unanimously. The committee had authorized him (Mr. P.) to publish this resolution, which he would lay before the House.

Extract from the Journal of the Committee of Investigation, J. Garland, Chairman.

WEDNESDAY January 25, 1837.

"By MR. PEYTON.—*Question 15.* Did you receive any letter of recommendation from Roger B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated, or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?"

"MR. WHITNEY.—*Answer.* I decline answering this interrogatory; more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he,' &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof.

"The witness was desired to withdraw.

"MR. HAMER moved that the foregoing answer to the fifteenth question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee.

"The witness, (R. M. Whitney,) immediately after the passing of this resolution, was brought into the committee room, out of which he had been sent, and the resolution of censure was read to him, (R. M. Whitney,) and his answer was returned to him. He (R. M. Whitney) apologized to the committee, and took back his answer; after which he peaceably answered the next question which was propounded to him, and such as before he had most indecorously refused to answer. This statement of the simple fact would at once show who was wrong in the occurrence referred to; it would show the unanimous decision of the committee to be that the witness was wrong, and his subsequent apology was an acknowledgment of it."

Having stated this much, which he (Mr. P.) flattered himself was an ample refutation of the charges implied in the *Globe* and other papers, perhaps it might not be unnecessary to relate what was the actual occurrence on the occasion referred to. His friend from Virginia, (MR. GARLAND,) and every other member of the committee, would do him the justice to say, that he (Mr. P.) had, in the first instance, treated Whitney with as much courtesy as he would have shown even to Chief Justice Marshall himself, if he had been alive and there; and for him (Mr. P.) to do so, when the course and conduct of the man to him (Mr. P.) was considered, it required on his part no little exertion of philosophy. He, (Mr. P.,) however, had done so.

From the time the witness (R. M. Whitney) first came into the committee room, he (Mr. P.) had put about sixty questions in regular succession, and at different times, to all of which he could not get more than ten or twelve answers; the witness threw them off contemptuously, denouncing them as inquisitorial; and this contemptuous course he (Whitney) repeated day after day, and night after night. It was manifest that he (R. M. Whitney) had totally mistaken the feelings which prompted his (Mr. P.'s) course, and from this indulgence in his insolence he made a miscalculation, and went at length too far; no doubt he imagined that because his card in the *Globe* had not been noticed by me, therefore I was to be insulted with impunity. On the night of the occurrence (said Mr. P.) I put to him a question, in order to draw from him the truth of my statement which he carded me for making; the question related to Mr. Taney's refusal to countenance him; but, as on former occasions, the witness would not answer, affirming that he had a right to demand from me proof of this matter, as I had stated it to be true. Sir, I suffered this conduct to pass unnoticed by me, both because he was a witness, and because I did not wish to enter into personal altercation with one who is as completely shielded from the notice of all honorable men by his infamy as a mad dog is by his hydrophobia. But, sir, he accompanied that answer with a scowl, a frown, an insulting

look of defiance, directed boldly to me personally, which perhaps no one else then saw. I appealed, sir, immediately to the Chair, to know if the witness should be permitted to insult me; I walked up to him, and said I would teach him better than to insult me; that I would let him know that I required no constitutional privilege to chastise him if he dared to insult me; that, if he did, I would put him to death on the spot. Sir, I used language which was harsh, for I was excited, as any man would have been who has a soul within him fit to be saved. The Chair called to order, and I took my seat. He says I drew a pistol upon him; it is false. After I sat down, he rose and began again; I walked to him again, and he, at that moment, seemed as if he was about to use a weapon; he had his hand in his pocket, and, when I walked up to him, I put my hand in my bosom, but I drew nothing from it; every one present believed, from his attitude, he was armed with deadly weapons. My friend from Virginia (Mr. WISE) interposed; the witness was withdrawn, and the committee unanimously passed a resolution censuring his insulting behavior. As soon as I could, sir, I made an apology, which I felt due to the committee, for having been transported by such provocation to lose the momentary command of my temper. The witness, on being again brought into the room, apologized for the insult, and was afterwards, as he had been by me before, treated with perfect respect, as due to his position as a witness. I think, sir, this explanation and statement of the facts is due to the committee and to the House; the prompt course adopted by the committee is alone a sufficient refutation of the false statements which have rendered this explanation necessary. I knew what was due to a witness, and I felt what was due to myself. I do not envy, sir, that wretch his callousness and insensibility, who, when assailed by a ruffian, would not, without regard to who he is, resist, if necessary, force by force. Grateful to the House for the indulgence which it has accorded to me, I shall not any longer occupy its time unnecessarily.

Mr. PEYTON, having concluded, then resumed his seat.

The resolution of the committee of investigation was then read by the Clerk of the House.

Mr. WISE then rose and said:

Mr. Speaker: I request the same indulgence that has been granted to my friend from Tennessee, (Mr. PEYTON;) I request the indulgence not so much on my own account, personally, as in respect to the committee of which I am a member. I wish to show how the proceedings of that committee have been misrepresented and belied by that infamous wretch who has published his card in the Globe. From the first moment he (R. M. Whitney) came before the committee, I saw, or thought I saw, in what his examination might result before its termination. It may have been imagination, but I anticipated his intentions from the start. He was evidently disposed to try my friend from Ten-

nessee and myself. He had felt his way, for some time before, in the Globe. He tried our patience there by attempting to draw our attention towards him by his insulting cards and paragraphs. We both had failed to take any notice of him; we could not recognize him as a gentleman in any respect. His behavior and manner, when he came before the committee, was that of a supercilious, self-important, contumacious, and contemptuous witness. His answers to interrogatories were given in writing. He would write his answer at the table, and then, with an impudent air of nonchalance, would fold his arms, cock up his legs against the wall, and cast glances, full of defiance and expressive of contempt, at me and my friend from Tennessee, as if anxious to insult us by his looks. To all this behavior, sir, not a remark was applied; no notice of his insolence was taken; we treated him with quiet composure and decent respect, until, emboldened by our forbearance, he went further; he behaved worse; he tried the experiment of being personal in his answer. His course, I think, was tentative; he wanted to see how far he might dare to go. The night this occurrence happened, I was sitting, with several of my colleagues of the committee, on a sofa in a corner of the room, on one side of the fireplace, conversing in perfect good humor, in a way certainly very agreeable to myself, telling anecdotes in whispers. The silence which reigned was broken only at intervals by the announcement of an interrogatory, or the reading of an answer. The answer to the question which caused the affray was announced; the attention of all to the reading of it was called. The witness was sitting at a table in the corner, on the opposite side of the fireplace from the sofa; a long table was sitting in front of the fireplace; the chairman and Mr. PEYTON were sitting on the side next the fire, the former towards the end next the sofa, and the latter towards the end next the witness. The clerk was sitting on the opposite side of the table. The back of the chairman was towards me, and when he read the answer, and Mr. PEYTON looked around, it brought his (Mr. P.'s) full face towards me. As soon as the answer was read, I looked at my friend, and saw he was flushed with excitement; his face beamed with indignation; no one could mistake his feelings. He first addressed the chairman, by saying, "Mr. Chairman, I wish you distinctly to inform the witness that he is not to insult me here." He was proceeding, when I arose, and remarked, "Mr. Chairman, the d—d insolence of this witness is insufferable, and has been borne long enough." He had, in fact, Mr. Speaker, declined to answer one question because it was "inquisitorial;" and because another was "inquisitorial," he declined to answer it, and had rung all the changes upon that word till, if reiteration could convince and supply the place of truth, one might have believed, from mere repetition, that the committee was, what it has been denounced to be, worse than

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a Spanish inquisition! Sir, he had received his cue.

But to proceed: My friend rose as I uttered these words respecting the witness, put me back with his arm, and said, "This is my business, Wise; not yours." And he walked straight up to the witness where he sat, and said to him nearly these words—I will endeavor to give his very words, however harsh: "You talk about my shielding myself behind my constitutional privileges. Now, I tell you that I claim no constitutional privileges to protect me from your insults in my presence; and you d——d thief and robber, if you dare to insult me, here or elsewhere, to my face, I will put you to death on the spot!" The chairman had called me to order, and I had sat down; he immediately called my friend back to his seat; for it is but due, Mr. Speaker, to the chairman to say that he has done his duty, in all respects, on that committee. My friend took his seat, when the witness rose, and began to say, "Mr. Chairman, I have been summoned to appear before this committee, and I claim its protection"—He did not finish the sentence, before my friend rose and told him to sit down. "Sit down, sir! you have no right to speak here but in writing, and you shall not utter a word; if you speak another word, I will!"—Sir, I do not remember here exactly what he said he would do; he used many harsh epithets, such as "d——d scoundrel." The witness uttered not a word, but he was standing, and immediately advanced his left foot, and put his right hand in his pantaloons right pocket. I was standing then immediately behind my friend, and seeing Whitney assume this attitude, I walked quickly around the end of the table, near to Whitney's left side. I expected him to draw a deadly weapon on my friend. I watched the motion of that right arm, the elbow of which could be seen by me; and, had it moved one inch, he had died upon the spot! That was my determination. Let me not be misunderstood or misrepresented. I mean to say that, if he had drawn his deadly weapon on my friend, it should never have done its execution. I considered my friend in imminent danger, and stood prepared to arrest it—to prevent his life from being taken by a villain, who wore every appearance and assumed the very attitude of an insidious assassin. Happily I had no occasion to interpose, but in a friendly manner to force my friend away, who had, seeing the position of the witness, put his hand in his bosom. I stepped in between them, took hold of Mr. PEYTON, caught him by his waistcoat, and closed it. I told him Whitney's blood was not worth spilling, and was not fit to stain any man—he was not worthy of his notice. My friend sat down, saying, "Yes, he is worth my notice when he comes to my face and insults me. I would notice any d——d dog!" The chairman expostulated with him, and my friend replied, "You have not seen him, sir; he has been looking at me—looking at me, sir; and he

shall not look at me again! I submit it to you, sir, whether I have not treated him as if he were a gentleman." The Chair remonstrated against further disorder. Whitney had not uttered a word after he was ordered by my friend to be silent, and did not until after he had retired and returned to the committee room. Mr. HAMER had been speaking; the witness was requested to retire. Mr. HAMER offered the resolution you have heard read; it passed unanimously; witness was called in; the chairman returned him his offensive answer, and informed him of the resolution, and he immediately said: "Mr. Chairman, if I have been disrespectful to the committee, I regret it, sir, and apologize for it." The clerk took down his words immediately, unknown to most of the members, and the committee, afterwards, when Mr. HAMER was about to move to insert the witness's apology, withdrew his motion, because the committee concurred unanimously, I thought, that the clerk had correctly recorded it already. Thus ended the whole affair.

I went to the chairman, to Mr. HAMER, Mr. MARTIN, and Mr. FAIRFIELD, all, I think, of the committee, and begged them not to adjourn until my friend's excitement entirely subsided. I suggested that he should be permitted to ask another question or two, and that the committee should discharge the witness before it adjourned; so that Mr. PEYTON might become calm, and not retire at the same time with the witness. This course was adopted, and successfully pursued. Whitney came back into the committee room, after he had retired, entirely humbled, I thought, and answered the next question propounded in the only becoming manner he exhibited at all. Such, sir, is a true statement of the whole transaction, and such was the part in it which I bore. I put it to the members of the committee to say whether what Whitney has published of my conduct on that occasion is correct; whether, with the exception of my first denunciation of his insolence, and of my after expression that he was not worthy of notice, my interposition was not peaceful. Sir, I acted on the occasion the part of a pacificator. He says I approached him with my friend to ogle him and frown him down. It is true I did approach him, and eye him, when I suspected his design to draw a weapon; I stood ready and watchful to protect my friend; but I call upon every gentleman on the committee, of all parties, friend or foe, to say whether I have not stated the facts truly. I say that no part or parcel, jot or tittle, of the statement of that infamous wretch (Whitney) is true, except the one statement of the question and answer. He states nothing as it occurred, and something that did not occur at all. I call upon the chairman of the committee, who should be the best witness, to say if these are not the facts.

Mr. GARLAND, of Virginia, said that it was extremely unpleasant to him at any time, and under any circumstances, to make a statement

in reference to a personal controversy; but, from the various hues, in various directions, which had been given to the transaction referred to by his colleague, (Mr. Wise,) he thought it due to the committee, to the House, and to the country, that a correct statement should be made. Mr. G. said, without expressing any opinion in regard to the "card" referred to, or any other part of the transaction, he would simply say that the statement of the facts and circumstances related by his colleague were substantially correct, and detailed very much as they happened. Some things stated he did not see; others occurred which were omitted, not affecting the substantial correctness of the narrative. Mr. G. said he did not see the scowl and contemptuous look which the gentleman from Tennessee states Mr. Whitney to have given him; his eyes were turned in another direction at the time it is said to have happened; but he distinctly remembers hearing the gentleman from Tennessee complain of it at the time, and as the principal cause of his excitement. Mr. G. said the occurrence was very sudden, and the gentleman from Tennessee was certainly very much excited. He said that, with a view to restore quiet, he stated to Mr. Whitney that a question would arise as to the disposition of his answer, and that he must retire; which he did. After Mr. Whitney had left the room, Mr. PEYTON became more tranquil, apologized to the committee, and stated that he had been very much excited on account of the insult which he regarded as having been given him in the answer of Mr. Whitney, and the scowl and contemptuous look with which it was accompanied. Mr. Whitney was then called in, and the resolution of the committee in reference to his answer read to him; he then apologized to the committee in the terms contained in the copy of the journal of the committee just read.

Mr. GILLET said he rose but to make a few suggestions. The situation in which he stood, as a member of the Select Committee, required him to make a few remarks, lest his silence should be misconstrued. It would be obvious to all who frequently attend our courts of justice, that it is hardly possible for nine persons to witness a transaction, and all concur in giving their testimony concerning it, though all might be equally and perfectly honest. Each would remember the part that made the strongest impression on his mind—one would pay more attention to the words spoken, while another would particularly note the gestures. He much doubted whether, if each member of the committee should retire to his room, and write out what he recollected of the transaction in the committee room, any two would be found to agree upon the order and details of it. It would not be strange if they differed as much in their accounts as Mr. Whitney differed in his with either gentleman who had spoken on this subject. This disagreement of persons in their accounts of what had transpired was per-

fectedly reconcilable with honest intentions; consequently, he should not impeach the character of members of the committee, or of the witness who was before them, if all did not concur in the order and details of what had transpired. Unless we can agree among ourselves as to that occurrence, we could not, with any propriety, condemn one who differed no more from us than we among ourselves.

He had just come in from the committee room, and did not understand how this discussion arose, nor the precise object that was in view. He presumed it was intended to put the House and country in possession of an accurate and true account of what occurred between Mr. PEYTON and Mr. Whitney. As so many jarring accounts had gone forth, such a desire is not without reason in its favor. He had not heard the accounts given by those who preceded him, and hence he could not say whether those accounts were in accordance with his own recollection or not. It was no part of his purpose to express an opinion at this time of the correctness of the statements of others, and certainly none in relation to statements which he had heard only in part. Nor would he now express any opinion concerning the card of Mr. Whitney. The gentleman from Virginia (Mr. Wise) had a day or two ago given notice to the committee that, when the report should be made to the House, as he understood him, he should bring up the subject of that card, and should deny the truth of all, except the copies of the question and answer. At that time, and not at the present, he expected this matter would come up as a subject of discussion. He thought the committee had not generally expected it to come up to-day, and he believed they were not generally in; but if they were, he strongly doubted the propriety of members rising in their places and making verbal reports of what they recollected. He thought it better that the committee should agree among themselves, as far as they were capable of doing so, as to what had transpired, and present it in a tangible and definite shape, so that it would command credence wherever it went. When the committee shall agree, the country will feel an assurance that they have arrived at the truth.

If we cannot agree upon the facts, how, sir, are those who report what we now say to agree? Will every reporter and letter-writer give the same account of what we affirm in the matter? He thought he hazarded nothing in saying, not two of all these would agree. It will be the same with others who hear what we now say. Nay, sir, before we leave this House a difference of recollection will be found to prevail as to what we have said. By tomorrow we shall find a very wide difference in this respect. As the news of the debate spreads, these differences will multiply in proportion to the distance they travel, and all will remain in uncertainty. Newspaper readers will fall into the errors of the publishers, and while one part

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of the community will believe one account, other portions may equally believe others, and all wide from the truth. From these, among other considerations, he thought this manner of placing this matter before the public was highly exceptionable.

He had entirely abstained from stating one word of what did occur, as he recollected it. Before he sat down, he should propose a resolution in these words:

Resolved, That the select committee, of which the honorable JAMES GARLAND is chairman, be directed to report to this House the facts in relation to the difficulty that occurred between Mr. PEYTON, a member of that committee, and Mr. Whitney, a witness called before that committee, while said witness was under examination.

He did not know that the House was desirous of becoming acquainted with the occurrence referred to; but if it was, he thought this would be a suitable and proper manner of obtaining the facts. The narrative given by the witness had been, he understood from those who had listened to gentlemen who preceded him, objected to as inaccurate or untrue. If the committee be required to report the facts, the correctness of this statement would be tested. This would be doing justice to its author and to the objectors. Then the public mind, which is feverish with continued excitement on questions of a disputed character, would be tranquillized and settled on one at least. Continual talking on the subject would no more settle this question than it had settled those which the committee were ordered to inquire about. True, the committee cannot, perhaps, report the intentions of those who were the principal actors in the scene. He had understood these intentions, in whole or in part, had been already communicated to the House. He presumed those who had gone largely into details did not intentionally give more than what was recollected; and he would say that he had not yet heard it alleged by any one that Mr. Whitney's account had been amplified beyond the truth, except in a single word in the relation of what he said after he returned to the committee. He should not express any personal wish as to the disposition of this matter. If its importance entitled it to the consideration of the House, he thought the same reasons would impel us to seek the undisputed truth, and place it before the public; and by that let those who have made statements be judged.

This endorsing or denying the allegations of others was what he did not intend to do. The matter affirmed to be true or untrue might be misreported, and the affirmation be made to cover statements never intended to be vouched for or denied. From differences in recollection new controversies might arise, giving birth to feelings not to be designedly promoted by this House, and not productive of good anywhere. Thus far, he understood, the statements of facts had been mingled with much other matter not well calculated to enable others to understand

them. If the committee should report the facts, they would not be interspersed with biting and criminating epithets heaped upon the witness, having nothing to do with what transpired in the committee room. He thought the true way of arriving at the truth was to call for it in an authentic form, and then the House could judge where the blame ought to rest. This he thought due to all parties, and could not fairly be objected to by any one. He therefore would send to the Speaker the resolution which he had read, and ask the House to adopt it.

[This motion, the reception of it being objected to, was not in order at this time.]

Mr. Wise then again rose to conclude his remarks, which he had not finished before Mr. GILLET rose. He said: Sir, in continuation of my statement, I have to remark that my friend from Tennessee is pardonable for much he said and did on that occasion. He spoke many harsh words, but under the strongest excitement. We both looked upon Reuben M. Whitney as a base minion of executive power, who went there with a pre-determination to insult us. He came, backed and endorsed, and prompted by the highest authority, to brow-beat and taunt us, and to trample upon the power of a committee constitutionally raised by the representatives of the people to detect and expose his villanous connection with the executive branch of the Government. My friend regarded the wretch as a mere agent, a miserable tool of others—others the highest in power. It was too much, sir, to suffer his authorized insults. My friend did not treat him as an equal; but he was transported with passion at his insolence and effrontery. He did and said many things which became not himself, but which Whitney richly deserved. As soon as he became calm and cool, he apologized to the committee in the most respectful terms.

The gentleman from New York (Mr. GILLET) says that "many things which Whitney says are true." I repeat, sir, that no part or parcel, jot or tittle, of his statement, except the question and answer, is true; it is wholly false in matter and manner; in fact, and coloring, and context—*emphatically false—false in italics!* His statement as to his apology when he returned to the committee, I venture to say, no member of the committee will vouch; and that he makes especially a marked statement by words in italics. In this he is wilfully and brazenly false; and no member on the committee can endorse his statement. The gentleman from New York (Mr. GILLET) says he will not undertake here to make a statement. Sir, I care not whether he does or not. I have my statement confirmed by my honorable colleague, (Mr. GARLAND,) and that is all I want. It may be, sir—I do not say it is so—but it may be likely, that some gentleman who was present so lost his wits on the occasion that he could not make a statement if he were to try! Now, it is proposed to couple the name of my friend in a resolution with that of R. M. Whitney.

I hope, sir, the House will not so degrade my friend, by the association even of names. What! couple the name of a villain, pensioned for his perjury, with the name of BALIE PEYTON, in the same resolution! Sir, if you had been present and witnessed the scene of that night, you would have been struck with the immense difference between the two men. I will tell you what you would have seen: you would have seen the high elevation of an honest, bold, courageous, manly, noble disposition, above a low, base, cowering, cowardly, dishonest wretch! That, sir, was the only spectacle you would have seen. And I say, sir, let those of the two classes of spirits then present be respectively consorted together and assimilated to each other!

MR. HAMER (a member of the committee) said that he should not detain the House with any remarks of his, were it not for an observation that fell from the gentleman from Tennessee, (MR. PEYTON,) and had been repeated by the gentleman from Virginia who last occupied the floor, (MR. WISE.) They had stated that the gentleman from Virginia had notified the members of the committee, that when this subject came before the House, he would call upon them to pronounce Mr. Whitney's card false in every part, except so much as related to the proceedings of the committee. If he (MR. H.) now remained silent, after what had occurred, it might be inferred that he had borne testimony to the falsehood so charged. He did not intend that any such inference should be drawn. He agreed with the gentleman from New York, (MR. GILLET,) that no nine individuals who might be present at an affair of this kind could be found, who would afterwards state all the details alike; and at this time he would not go into details. As to Mr. Whitney's "card," he would neither pronounce it true nor false. He had, as he stated in conversation with the gentleman from Virginia the other day, read it but hastily, when it first appeared; and he had not taken the trouble to look at it since. But, as he was up, he would say that, without going into particulars, the outlines of the transaction, as given by the gentleman from Tennessee and the gentleman from Virginia, were substantially correct.

He thought it due to himself to state what had been his own course in the matter. When the excitement took place, and the honorable chairman called "order," he (MR. H.) rose and commenced making a speech, the object of which was to aid the chairman in producing order out of disorder. He had continued upon the floor, occasionally interrupted by other gentlemen, until he closed his remarks by submitting the resolution which was unanimously adopted by the committee. He thought the resolution due to the committee, due to the individual member involved, and due to the witness himself, who had in some measure provoked what followed.

His (MR. H.'s) opinion was, that a witness

called before a committee, having an interrogatory propounded to him, ought either to answer or to decline. If he declined answering a question, that was enough. He had no right to proceed further, and make remarks about the committee, or an individual member of it, which were of a personal character, or which reflected upon them in any manner disrespectfully. Such a practice could not be tolerated, and the committee were unanimously of that opinion.

After this sudden gust of passion, this momentary excitement, the gentleman from Tennessee expressed his regret, and apologized to the committee for what had taken place on his part. The witness was called back, and apologized to the committee for any thing he had done of a disrespectful character. He (MR. H.) had hoped the whole matter would have remained there; but it seemed that by some means it had got out, and was travelling through the country in the newspapers. False and exaggerated statements, in regard to it, were no doubt circulated in public journals; and although he deprecated all discussions of this sort, yet he thought the gentleman from Tennessee perfectly justifiable in bringing the subject before the House, for the purpose of making a statement in his own defence.

Having said thus much, he would trouble the House no further.

MONDAY, February 6.

Presidential Election—Counting the Votes.

A message was received from the Senate, informing the House of its concurrence in the report of the joint committee appointed to consider and report upon the mode of counting out the votes for President and Vice President of the United States.

MR. THOMAS moved that the House concur with the Senate in the report and resolutions thereto appended, as reported by him to this House on Saturday evening, as follows:

"The committee on the part of the House of Representatives, 'appointed to join such committee as might be appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President of the United States; of notifying the persons elected of their election; and also to inquire into the expediency of ascertaining whether any votes were given at the recent election contrary to the prohibition contained in the second section of the second article of the constitution; and, if any such votes were given, what ought to be done with them; and whether any and what provision ought to be made for securing the faithful observance in future of that section of the constitution,' report:

"That the short period at which they were appointed before the day on which the votes for President and Vice President of the United States have to be counted, has prevented them from investigating the acts submitted to their examination as fully as might have been done, had more time been allowed.

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Abolition of Slavery in the District of Columbia.

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The correspondence which has taken place between the chairman of the committee and the heads of the different departments of the executive branch of the Government accompanies this report, from which it appears that Isaac Waldron, who was an elector in New Hampshire, was, at the time of his appointment as elector, president of a deposit bank at Portsmouth, and was appointed and acting as pension agent, without compensation, under the authority of the United States; that, in two cases, persons of the same names with the individuals who were appointed and voted as electors in the State of North Carolina, held the offices of deputy postmasters under the General Government. It also appears that in New Hampshire there is one case; in Connecticut there is one case; in North Carolina there is one case; in which, from the report of the Postmaster General, it is probable that, at the time of appointment of electors in these States, respectively, the electors, or persons of the same names, were deputy postmasters. The committee have not ascertained whether the electors are the same individuals who held, or are presumed to have held, the offices of deputy postmasters at the time when the appointment of electors was made; and this is the less to be regretted, as it is confidently believed that no change in the result of the election of either the President or Vice President would be affected by the ascertainment of the fact in either way, as five or six votes only would in any event be abstracted from the whole number; for the committee cannot adopt the opinion entertained by some, that a single illegal vote would vitiate the whole electoral vote of the college of electors in which it was given, particularly in cases where the vote of the whole college has been given for the same persons.

"The committee are of opinion that the second section of the second article of the constitution, which declares that 'no Senator, or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector,' ought to be carried in its whole spirit into rigid execution in order to prevent officers of the General Government from bringing their official power to influence the elections of President and Vice President of the United States. This provision of the constitution, it is believed, excludes and disqualifies deputy postmasters from the appointment of electors, and the disqualification relates to the time of the appointments; and that a resignation of the office of deputy postmaster, after his appointment as elector, would not entitle him to vote as elector under the constitution.

"Should a case occur in which it became necessary to ascertain and determine upon the qualifications of electors of President and Vice President of the United States, the important question would be presented—what tribunal would, under the constitution, be competent to decide? Whether the respective colleges of electors in the different States should decide upon the qualifications of their own members, or Congress should exercise the power, is a question which the committee are of opinion ought to be settled by a permanent provision upon the subject.

"The committee at present, and in part, report the following resolutions:

"Resolved, That the two Houses shall assemble in the chamber of the House of Representatives on Wednesday next at 12 o'clock, and the President of the Senate shall be the presiding officer; that one

person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States; and, together with a list of votes, be entered on the journals of the two Houses.

"Resolved, That, in relation to the vote of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: Were the votes of Michigan to be counted, the result would be, for A B for President of the United States, ——— votes; if not counted for A B for President of the United States, ——— votes; but, in either event, A B is elected President of the United States. And in the same manner for Vice President."

Mr. MERCER was understood to make an inquiry of the chairman (Mr. THOMAS) in relation to the fact, whether any votes have been given by persons not competent, under the Constitution of the United States, to vote as electors of President and Vice President.

Mr. THOMAS said a few words in explanation. The committee, on investigation, had found that there were three individuals in North Carolina, one in New Hampshire, and one in Connecticut, elected to the electoral college, who bore the same name with those of individuals who were deputy postmasters under the General Government; and the impression on the minds of the committee was, that they were consequently the same individuals.

The resolutions were then severally concurred in without a division.

Abolition of Slavery in the District of Columbia—Petitions from the Females of Twenty-eight Towns in New Hampshire.

Petitions and memorials being called for in the order of States and Territories,

Mr. CUSHING said he was charged with a commission of some delicacy, respecting which he craved the indulgence of the House. It happened that in his district the fair sex greatly outnumbered the other, and the better half of creation was no half at all; it was two-thirds; so that he was probably the immediate representative of more ladies than any other member of the House. In obedience to the wishes of his fair constituents, whom it was at all times his pleasure to serve, he had to present petitions praying for the abolition of slavery and the slave-trade in the District of Columbia, from 3,824 ladies of the city of Lowell and the towns of Amesbury, Andover, Haverhill, Newburyport, Reading, and Salisbury, in the State of Massachusetts.

These petitions were accordingly received and laid on the table, without debate or commitment, under the resolution of the House.

Mr. C. said he had now to beg pardon

of the gentleman from New Hampshire, his nearest neighbor at home, (Mr. CUSHMAN,) for appearing to interfere in any way with that gentleman's concerns. He (Mr. CUSHING) was not aware that the ladies of New Hampshire had any general objection to the propounding of the *previous question*; but, on this occasion, they had distinguished him with their preference, so far as to desire to make him their organ in their communications to the House.

Mr. CUSHMAN signified his acquiescence, and

Mr. CUSHING proceeded to present petitions from the ladies of Alstead, Bedford, Boscawen, Canaan, Concord, Durham, Franconia, Gilmanton, Groton, Hampton Falls, Hanover, Haverhill, Hebron, Henniker, Hillsborough, Keene, Lancaster, Lincoln, Lyndeborough, Madbury, Mount Vernon, New Hampton, New Market, Orange, Raymond, Salem, and Salisbury, all in the State of New Hampshire, praying for the abolition of slavery and the slave-trade in the District of Columbia; which petitions were severally received and laid on the table, under the resolution of the House.

Suppression of the Slave-Trade in the District of Columbia—Petition from "Nine Ladies" of Fredericksburg, Virginia.

Mr. ADAMS said he presented the petition of nine ladies of Fredericksburg, in the State of Virginia. He would not name them, because, from the disposition which at present prevailed in the country, he did not know what might happen to them if he did name them. It was not a petition for the abolition of slavery in the District of Columbia, but it was a petition praying Congress to put a stop to the slave-trade in the District of Columbia.

This was one of those petitions which had seemed so strange to him when he received it, that he did not feel a perfect security that it was genuine, and to which he had alluded when he first began the presentation of his petitions. It was sent to him, purporting to be the petition of nine ladies, not one of whom should be named by him. Whether it was genuine or not, it was not for him to determine.

The petition was ordered to lie on the table, under the resolution.

Petition from 22 Slaves.

Mr. ADAMS said he held in his hand a paper on which, before it was presented, he desired to have the decision of the Speaker. It was a petition from twenty-two persons, declaring themselves to be slaves. He wished to know whether the Speaker considered such a petition as coming within the order of the House.

The SPEAKER said he could not tell until he had the contents of the petition in his possession.

Mr. ADAMS said that if the paper was sent to the Clerk's table, it would be in possession of the House, and if sent to the Speaker he would see what were its contents. Now, he (Mr. A.) wished to do nothing except in sub-

mission to the rules of the House. This paper purported to come from slaves, and it was one of those petitions which had occurred to his mind as not being what it purported to be. It was signed partly by persons who could not write, by making their marks, and partly by persons whose handwriting would manifest that they had received the education of slaves; and the petition declared itself to be from slaves, and he was requested to present it. He would send it to the Chair.

Mr. LAWLER objected to its going to the Chair.

The SPEAKER said that the circumstances of the case were so extraordinary, that he would take the sense of the House on the course to be pursued.

Mr. LAWLER wished it to appear on the journal that he had objected to the paper going to the Chair.

The SPEAKER said the gentleman from Massachusetts had stated that the petition came from slaves; but it had not been sent to the Clerk's table. It was the first time, in the recollection of the Chair, that persons not free had presented a petition to this House. The Chair wished to take the sense of the House, which he had a right to do.

Mr. HAYNES felt astonished at the course which had been pursued by the honorable gentleman from Massachusetts, not only to-day, but every day for some time past, whenever petitions were presented; but his astonishment reached to a height which he felt it impossible to express, when he saw the gentleman rise in his place on this floor, and offer to present such a paper as this had been described to be. Mr. H. could not tell in what manner he would meet a proposition of this kind. It might be giving it more attention than it deserved, if he (Mr. H.) were to object to receiving it. He had risen mainly to express, so far as language could express, his unfeigned surprise that the gentleman from Massachusetts, or any other gentleman, should ever have made a question on a paper of this kind.

Mr. ADAMS called the gentleman from Georgia to order, on the ground that he was making personal reflections.

Mr. PINCKNEY was opposed to a protracted discussion on the subject, which could only lead to useless excitement and confusion, the matter before the House being a subject for action, not for debate. He hoped the House would act promptly and decisively.

Mr. HAYNES inquired of the Chair if he did not still hold the floor.

The SPEAKER said the gentleman from Georgia held the floor, but it was not in order to make personal allusions.

Mr. HAYNES said the Speaker was aware that he was one of the last men to violate the rules adopted for the order and government of the House. It was well known that, from the commencement of these discussions, at an early day in the last session of Congress up to this

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moment, his lips had been closed on the subject in every form; because he had thought that the members from his section of the country should be among the last to seek or promote discussion upon it. But he would not trust his feelings to pursue the subject further under its present aspect, extraordinary as it was. The true motion, in his judgment, would be to move that the petition be rejected, subject, however, to its withdrawal, if the House should become further enlightened as to its contents.

Mr. LEWIS hoped that no motion of that kind would come from any gentleman from a slaveholding section of the country.

Mr. HAYNES would cheerfully withdraw his motion.

Mr. LEWIS was glad the motion was withdrawn. He believed that the House should punish severely such an infraction of its decorum and its rules; and he called on the members from the slaveholding States to come forward now, and demand from the House the punishment of the gentleman from Massachusetts.

Mr. GRANTLAND would second the motion, and go all lengths in support of it.

Mr. LEWIS said that, if the House would inflict no punishment for such flagrant violations of its dignity as this, it would be better for the Representatives from the slaveholding States to go home at once.

Mr. ALFORD inquired if the gentleman from Massachusetts had certainly proposed to introduce this petition.

The SPEAKER said the member from Massachusetts had risen, and stated that he had a petition coming from slaves, and had inquired of the Chair whether it would come under the order adopted by the House in reference to all petitions and papers on the subject of slavery.

The Clerk having been directed to read the minutes which he had taken at the time, read as follows:

"Mr. ADAMS presented the petition of twenty-two persons, declaring themselves to be slaves, and wished to know whether it came within the order of the House."

Mr. ALFORD said that, if the gentleman from Massachusetts intended to present this petition, he, (Mr. ALFORD,) the moment it was presented, should move, as an act of justice to the South, which he in part represented, and which he conceived had been treated with indignity, that it be taken from the House and burnt; and he hoped that every man who was a friend to the constitution would support him. There must be an end to this constant attempt to raise excitement, or the Union could not exist much longer. The moment any man should disgrace the Government under which he lived, by presenting a petition from slaves praying for emancipation, he hoped that petition would, by order of the House, be committed to the flames.

Mr. PATTON moved to suspend the rule to

enable him to submit a motion to take from the table, to be hereafter disposed of as the House may decide, the paper already presented by the gentleman from Massachusetts, and which had been laid on the table under the resolution of the House; he alluded to the paper presented as a petition from nine ladies of Fredericksburg. He (Mr. P.) would state in his place, and on his responsibility, that the name of no lady was attached to that paper. He did not believe there was a single one of them of decent respectability. He believed the signatures to be genuine, and he recognized only one name which he had known before, and that was the name of a free mulatto woman of the worst fame and reputation. He had been raised in Fredericksburg, and believed he was acquainted with all persons of respectability residing there, and he could say there was not one respectable name attached to this paper.

Mr. W. THOMPSON asked that the petition might be read, so as to render the gentleman from Massachusetts amenable to the resolution which he (Mr. T.) proposed to offer.

The SPEAKER said it was not in order at this time.

Mr. ROBERTSON called for the yeas and nays on the motion to suspend; which were ordered, and, being taken, were—yeas 131, nays 50.

So the rule was suspended.

Mr. PATTON said he was disposed to pursue as kind and respectful a course to the gentleman from Massachusetts as the circumstances of the case would admit, so far as related to the particular question before the House.

The gentleman from Massachusetts, before presenting this petition, had stated that he did not know who these individuals were; he did not know their claims to the consideration of this House, or to his own agency in presenting the petition. Mr. P. thought it was to be regretted that the gentleman from Massachusetts had not thought proper, but, on the contrary, had refused, to permit him, (Mr. P.,) coming from the town from which this paper purported to come, on a subject which the gentleman knew the people whom he (Mr. P.) represented, as well as himself, felt a deep and exciting interest, to see the paper before it had been presented. He (Mr. P.) could not permit himself to believe that, after stating to him, as he (Mr. P.) would have stated privately, what he had since stated publicly, the gentleman from Massachusetts would have persisted in being the organ through whom such a petition should be presented. He (Mr. P.) would again state, on his honor and veracity as a man, that he did not believe that there was the signature of any decently respectable individual in Fredericksburg attached to this paper; that the only name he recognized was that of a mulatto free woman of infamous character; and he believed that the names of others were the names of free negroes, all of whom he believed to be bad. He therefore moved that the paper which had been received and laid on the table should

be taken from the table and returned to the gentleman from Massachusetts.

Mr. BOULDIN said that, as he had just voted against suspending the rules on the motion of his colleague, (Mr. PATTON,) and had found himself voting with those who, from their local situation, might be supposed not to feel with him on the very delicate and vital subject now before the House, and as his name had not been recorded with the names of those with whom he knew he did feel and act substantially in every important matter peculiar to the South, and especially in regard to the subject-matter now before the House, it became him to give the reason for his vote. It was this: He wished to dispose of the first branch of the subject, and then he would be willing to suspend the rules for his colleague, and would be willing to go with him in any vote to take from our files the paper he wished withdrawn, and which was well calculated to throw disgrace and contempt on the proceedings of the House. He was willing the resolution and wish of his colleague should prevail, and that the paper should be returned to the venerable gentleman from Massachusetts, to make what mischief he could or he chose from it, in or out of this House.

But the gentleman from Massachusetts had offered in the House the memorial of those who, on the face of it, appeared to be slaves, and had announced to the Chair and to the House that such was the paper.

Mr. B. said he did not care a rush whether the paper went to the Chair or not. Nothing that that gentleman could say or do in relation to it could add to, or detract from, the impression that the statement of the proposition to the Chair by him had made. He (Mr. B.) wished now, without interruption of any other business, to progress with this matter until he saw and understood what countenance the gentleman from Massachusetts should receive from the House.

Mr. W. THOMPSON had risen to move, as an amendment to the motion of the honorable gentleman from Virginia, (Mr. PATTON,) the following resolution:

Resolved, That the honorable JOHN QUINCY ADAMS, by the attempt just made by him to introduce a petition purporting on its face to be from slaves, has been guilty of a gross disrespect to this House, and that he be instantly brought to the bar to receive the severe censure of the Speaker.

Mr. THOMPSON, of South Carolina, said: The gentleman from Massachusetts offered to present a petition from slaves, and so purporting to be on its face, in open and wilful violation of what he knew to be the rules of this House, and insulting to a large portion of its members. Does the gentleman, even in the latitude which he gives to the right of petition, think that it includes slaves? If he does not, he has wilfully violated the rules of the House and the feelings of its members. Does that gentleman know that there are laws in all the slave States, and

here, for the punishment of those who excite insurrection? I can tell him that there are such things as grand juries; and if, sir, the juries of this District have, as I doubt not they have, proper intelligence and spirit, he may yet be made amenable to another tribunal, and we may yet see an incendiary brought to condign punishment. Mr. T. said that, when he first took his seat here, and heard daily denunciations of the people whom he represented, and every vile epithet heaped upon them—a people for whom he claimed, to say the very least, the proudest equality—he was excited almost to the point of frenzy. Now he found himself sitting quietly under these things, when he saw his new colleagues, not more excitable than he was, in the same state of feeling in which he was at the last session. Sir, it is a most instructive commentary upon the gradual wear and tear of feeling, and the cooling of that just indignation which every Southern man should feel. Sir, if I desired the breaking up of this Government, I should thank the gentleman from Massachusetts for his course on this subject. All we desire, sir, is an issue, a fair and distinct issue. If gentlemen think slavery an abomination, and that they have a right to abolish it, why not come up to the point, and say so? I will forgive them for all the past if they will do it. We shall then, sir, soon, very soon, settle this question forever.

Mr. HAYNES said that, believing the object of the gentleman from South Carolina might be more readily obtained by a resolution in a different form, he would send to the table the following amendment:

Strike out all after "*Resolved*," and insert—

"That JOHN QUINCY ADAMS, a Representative from the State of Massachusetts, has rendered himself justly liable to the severest censure of this House, and is censured accordingly, for having attempted to present to the House the petition of slaves."

Mr. GRANGER said this was a question of extreme delicacy, and one which he hoped would not be closed by the previous question. His honorable friend from Massachusetts (Mr. ADAMS) knew that no man in this House had more sincerely stood by him on the right of petition than he (Mr. G.) had. But he (Mr. G.) must express his surprise that, with papers in his hand from sources of which he was ignorant, and of the genuineness of which he has expressed a doubt, he (Mr. ADAMS) should have assumed the responsibility he had this day assumed. He (Mr. G.) was surprised that that gentleman, holding the right of petition as one of the most sacred rights granted to this people, should ever have cheapened the value of that right, by presenting indiscriminately papers enclosed to him, (Mr. ADAMS,) when he was himself ignorant of the names, condition, or characters, of those who forwarded them. He was the more surprised that a paper from this immediate vicinity, and purporting to bear the

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signatures of those who are represented by a gentleman (Mr. PATTON) sitting on the left of the gentleman from Massachusetts, and with whom that gentleman was on intimate terms, should have been presented to this House without some inquiry having been made as to the character of those whose names were attached to the petition, or without the gentleman (Mr. ADAMS) being possessed of, or having guarded himself by, the requisite information in relation to the petition he was about to present. It was well known that no man here deprecated more than he (Mr. G.) did the decision of the Chair in tying down members of the House under the resolution of the last and the present year.

This question, as now presented, was one of deep interest. He felt bound to say that a certain class of the community were too ready to change their ground, and to hide their opinions on the abolition of slavery under the denial of the right of petition. He had in his mind men, not ordinary men, who, feeling that this right has been unjustly abridged, have enlisted themselves in a cause in which they would never otherwise have engaged; men who, only one year ago, were as much opposed to the abolition of slavery as any man in this House, but who are now found within its ranks. These, he said, were not ordinary citizens, but those who stood forth to the community in that enviable relief which talent gives to virtue. It was not to be disguised, and he felt bound to declare, that, if the House wished to forward the cause of abolition, they would pass these hasty resolutions. No man in this nation held the right of petition under the constitution more sacred than he did; but it was due to himself to repeat, what he had heretofore stated, that so long as the States of Maryland and Virginia should continue their present policy, he did not believe that Congress had any just power to interfere in this question, nor that either philanthropy or patriotism demanded it; that in his opinion, at the time of the session of this District, it was no more contemplated that slavery should be abolished here before it was in the surrounding country, than that this territory should continue in its present position after the adjoining States by which it had been ceded should have changed theirs. But he would say to the gentlemen from South Carolina (Mr. THOMPSON) and from Georgia (Mr. HAYNES) that, if this resolution was pushed to a vote of censure, its effect on the community would be most serious.

Mr. LEWIS offered the following amendment, which he suggested to his friend from South Carolina (Mr. THOMPSON) to accept as a modification:

Resolved, That JOHN QUINCY ADAMS, a member from the State of Massachusetts, by his attempt to introduce into this House a petition from slaves, for the abolition of slavery in the District of Columbia, committed an outrage on the rights and feelings of a large portion of the people of this Union; a flagrant

contempt on the dignity of this House; and, by extending to slaves a privilege only belonging to free-men, directly invites the slave population to insurrection; and that the said member be forthwith called to the bar of the House, and be censured by the Speaker.

Mr. W. THOMPSON accepted the modification.

Mr. LEWIS, as a member from the South, was not disposed to argue this question here. He wished to see whether there was the power or the will to discountenance such proceedings as these. If not, the members from the South had better go home and prepare to protect themselves.

Mr. PATTON thought the House was proceeding rather harshly in this matter. The resolution asserted two facts: First, that the paper was a petition by slaves for the abolition of slavery. Was that the fact? Was any gentleman here authorized to state that this was a paper for the abolition of slavery? It was essentially important, before the House was called on to act, that they should know whether this was the fact or not. The resolution asserted also another fact: that the gentleman from Massachusetts attempted to offer this petition. He (Mr. P.) understood that this was not the fact. He thought he should be disposed to go as far as those who would go farthest in adopting any proper course for arresting these attempts to procure the action of the House in relation to the abolition of slavery in the District of Columbia, or anywhere else. He should be ready to go to the utmost extent of his constitutional powers to arrest that action, either by the legislative intervention of the House, in its ordinary course, or by refusing to receive the petitions, or by inflicting censure on members transgressing the bounds of their duty to keep up an excitement on the subject. But let us know (said Mr. P.) what we are doing. Suppose that this petition was a quiz; and that, so far from being a petition for the abolition of slavery, it was a petition for a very different thing. Mr. P. would object as much to the one proposition being presented here as the other. But let the House, before it involved itself in this solemn proceeding, before it took this decided and hazardous step of bringing to the bar of the House a member of its body, as having violated its rights, know on what grounds they were proceeding.

Were the facts as they were stated to be? Had any such petition been presented or offered by a member of the House? He regretted to be involved in this excitement on grounds which might turn out to be more of a farce than a tragedy. He expected it would be found that neither the one fact nor the other, assumed in the resolution, was true.

Mr. ADAMS then rose and said he did not know under what rule of the House the several resolutions which had been presented in relation to himself had taken the place of the resolution or motion submitted by his friend from Virginia, (Mr. PATTON), nor how it had happened that

this matter had come under the consideration of the House, whilst a question was pending whether a paper previously presented by him (Mr. A.) should be taken from the Speaker's table and returned to him. The Speaker, he presumed, knew how this had come about.

The SPEAKER explained that this had been effected under the operations of that well-established parliamentary law, which gave precedence to questions of privilege over all other business.

MR. ADAMS. Well, sir, I am satisfied.

In regard to the resolutions now before the House, as they all concur in naming me, and in charging me with high crimes and misdemeanors, and in calling me to the bar of the House to answer for my crimes, I have thought it was my duty to remain silent until it should be the pleasure of the House to act either on one or other of these resolutions. I suppose that, if I shall be brought to the bar of the House, I shall not be struck mute by the previous question, before I have an opportunity to say a word or two in my own defence.

But, sir, gentlemen are really consuming the time of the House in such a manner, that I think the obligation rests upon me to ask them to modify their resolution. It may be as severe as they propose; but I ask them to change the matter of fact a little, so that when I come to the bar, I may not, in one single word, put an end to their resolution.

The gentlemen, who have such a laudable zeal for the slaveholding portion of this confederacy, and I do not censure them for that zeal, charge upon me, first, that I attempted to present a petition from slaves; and, secondly, that that petition was for their emancipation from slavery. I did not present the petition, and I appeal to the Speaker to say that I did not. I said I had a paper, purporting to be a petition from slaves; I did not say what the prayer of the petition was; I said it was a paper purporting to be a petition from slaves, signed partly by crosses for signatures, and partly by letters, scarcely legible, purporting to be names. I asked the Speaker whether he considered such a paper as included within the general order of the House, that all petitions, memorials, resolutions, and papers, relating in any way, or to any extent whatever, to the subject of slavery, should be laid on the table. I intended to take the decision of the Speaker before I went one step towards presenting, or offering to present, that petition. I stated distinctly to the Speaker that I should not send the paper to the table until the question was decided, whether a paper from persons declaring themselves slaves was included within the order of the House. This is the fact.

Now, as to the fact what the petition was for. I simply state to the gentleman from Alabama, (Mr. Lewis,) who has sent to the table a resolution assuming that this petition was for the abolition of slavery; I state to him that he is mistaken. He must amend his

resolution; for, if the House should choose to read the petition, I can state to them they would find it something very much the reverse of that which the resolution states it to be; and if the gentleman from Alabama still shall choose to bring me to the bar of the House, he must amend his resolution in a very important particular; for he probably may have to put into it, that my crime has been for attempting to introduce the petition of slaves that slavery should not be abolished. This is possible, sir. I say, then, the gentleman must amend his resolution; and I take it for granted that he and the House will be under the necessity of seeing what that petition is, and that they must not take it even from my representation. This representation I am perfectly willing to make, if the House shall think fit that the petition should be received and considered; and I shall be willing to do almost any thing, except to grant the prayer of the petition; for the gentleman from Alabama may, perchance, find that the object of the petition is precisely that which he desires to accomplish; and that these slaves, who have sent this paper to me, are his auxiliaries, instead of being his opponents. I state these facts for the consideration of the House. I shall not present the petition until the decision of the House has been announced; and I am disposed to be perfectly submissive to that decision, whatever it may be.

MR. MANN, of New York, said that the future historian, when arriving at the transactions of the twenty-fourth Congress, would find it requisite to pause and contemplate the spectacle now before us and the American people. He will be at fault to discover the cause for the scenes now presented; and, contemplating the nature of our political institutions, tracing their formation and establishment, he will find nothing which would necessarily produce or justify the course of proceedings which have occurred here for the last and present sitting of Congress. Sir, (said Mr. M.) why is it, then, that we are weekly, and almost daily, drawn into the consideration of abstract, impracticable, and (Mr. M. said he must be permitted to say) improper, if not reprehensible subjects, by the course adopted by the venerable member from Massachusetts? (Mr. ADAMS.) Is it from any defect in the forms or principles of our proceedings? Is it inherent in the compact upon which rests all that is valuable in our institutions? Is it to be found and justified in the condition and circumstances of our country? Can it be traced to a want of patriotic devotion in any considerable portion of our country to the Union? Would it be charitable to attribute it to any disappointment of individual ambition, seeking revenge for such disappointments in attempting to ruin that which it could not rule?

On no one of these inquiries, Mr. Speaker, (said Mr. M.) can we find a satisfactory solution of the question why we are now presenting to the country the deplorable spectacle,

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shown off every petition day, by the honorable member from Massachusetts, in presenting the abolition petitions of his infatuated friends and constituents. The House has, with a unanimity almost unparalleled, prescribed a rule for its government in respect to these petitions, with which it is, upon experience, as well (Mr. M. ventured the opinion) as the considerate men of all parties, in every portion of the confederacy, well satisfied. Yet the honorable member has made himself to believe that it was his duty, against the sense of the whole House, (Mr. M. believed, with but few exceptions,) against the sense of the whole country, including his own political friends, (if any he has,) to resist the execution of that rule with a degree of violence paralleled only by revolutionary madness of desperation. Sir, (said Mr. M.,) it becomes me, the House, and the country, to remember that the venerable gentleman from Massachusetts has occupied the executive chair, and administered the duties of the highest office of the civilized world. And it becomes us, also, to respect his gray hairs, his old age, his long public services, and to seek out apologies and excuses in his behalf, if possible, for the obstinacy and ebullitions of temper which on these occasions he so often exhibits, and which is so much opposed to cool deliberation and the dignity of the proceedings of this House. Thus shielded and protected by his age and public character, it has been matter of surprise to those who are not spectators of our proceedings, that a member of his great learning and experience should so far forget his dignity as to presume upon that age and character as a license to him to annoy and trifle with the House and its most solemn and satisfactory regulations.

Sir, (said Mr. M.,) while we contemplate the character and respect the age of the honorable member, charity claims that we should also remember the frailty of our nature, and that man is mortal. It would be unjust to believe that, in the prime and vigor of manhood, the honorable member would have adopted the course of action which, at this late period of his life, seems to control him. The high noon-tide of that life has long since passed with him, and its wane is no doubt upon him, before he is either aware or sensible of it; for it cannot be believed that, in the days of his more acute perceptions, he could have yielded to influences which now seem to have the mastery.

Mr. M. had always viewed this question of abolition and its progress with the deepest solicitude, as affecting the political integrity of the confederacy. In the formation of this Union it was, as we well know, one of the greatest obstacles to be overcome, and was only surmounted by a spirit of concession and compromise which it is feared does not exist now. In that compromise, we of the free States agreed to the doctrine of non-interference in the domestic institutions and concerns of the

others. Some few of our people, however, pretending to a holy zeal, worthy of a better and more lawful cause, influenced by what they claim to be paramount considerations to the obligations of the constitution and the integrity of the republic, regardless of consequences, insidiously violate the spirit of the compact, by interfering with the subject in this District. And we are now again called upon by our Southern brethren to know whether we will live up to the agreement we have made; whether we will keep the faith and perform our bargain. This is the true question propounded to us in all these proceedings. And, Mr. Speaker, (said Mr. M.,) as for me and my household, my constituents and friends, I say, without reservation, we will. Is there a patriotic heart in this hall, in this nation, is there a friend to the welfare of the republic, who can answer that he will not? Mr. M. did not believe there was one; and he therefore asked that honorable members from the South should give themselves no uneasiness on account of these ill-advised proceedings. Mr. M. relied upon the patriotism and good faith of the people of the North to abide by the compact they have made. He knew that this reliance would not fail.

Mr. W. THOMPSON was sorry to see the air of levity which it is attempted to throw over this matter. He felt very differently. What, sir, is it a mere trifle to hoax, to trifle with the members from the South in this way and on this subject? Is it a light thing, for the amusement of others, to irritate, almost to madness, the whole delegation from the slave States? Sir, it is an aggravation. It is intimated that the petition does not pray for the abolition of slavery, but a very different object. It makes not the slightest difference; it is the attempt to introduce a petition from slaves for any object; as insolent if it be for one purpose as for another. It is the naked fact of the presentation of a petition from slaves. But, sir, there is another view of this matter, which, in my judgment, makes the thing worse. The gentleman from Massachusetts had been presenting abolition petitions all the morning; it is his daily labor of love; and I appeal to every member on the floor, if the conduct of the member was not such as to induce every one to believe that it was an abolition petition. He allowed resolutions to be presented on that supposition, and speeches to be made, without undeceiving the House. This trifling was an additional contempt of the House; how much befitting the age and standing of the gentleman it is not for me to say.

Mr. T. then further modified his resolution by substituting the three following resolutions:

1. *Resolved*, That the honorable JOHN Q. ADAMS, by an effort to present a petition from slaves, has committed a gross contempt of this House.

2. *Resolved*, That the member from Massachusetts above named, by creating the impression and leav-

ing the House under such impression, that the said petition was for the abolition of slavery, when he knew that it was not, has trifled with the House.

3. *Resolved*, That the honorable JOHN Q. ADAMS receive the censure of the House for his conduct referred to in the preceding resolutions.

MR. PICKENS observed that it had not been his intention to address the House upon this subject; he had not intended to utter one word, if it had not been for the remarks that fell from his friend from Virginia, (MR. WISE,) and that he would now endeavor to preserve all the calmness he could, considering the momentous topics which had been drawn into this discussion. MR. P. perfectly agreed with the gentleman from Virginia (MR. WISE) in reference to the resolutions which the member from Charleston (MR. PINCKNEY) introduced last session, and which had been substantially adopted again at this session, by which all this class of petitions had been received into this House. They were miserable and pitiful resolutions; pitiful, because they had trifled with the rights of the South, and trifled with the rights of this House. He could thank God that he had nothing to do with their passage, and the deep responsibility they had brought down upon their authors. He would say, in reply to the remarks of the gentleman from New York, (MR. GRANGER,) in censure of the gentlemen from the South who supported those resolutions, "Thou canst not say I did it." When those resolutions passed, he (MR. P.) predicted what had now come to pass: the scenes which we now see passing around us—the introduction of all kinds of vile petitions from free negroes and slaves, which, under the resolutions, are treated with the respect, in advance, of having them received and laid upon the table. But (said MR. P.) although these were his opinions, yet, as long as we were members of this body, we were bound to maintain its dignity, and do what we could to prevent scenes calculated to harass and insult the feelings of a large portion of the members of this House, by calling down our censure upon the gentleman from Massachusetts (MR. ADAMS) for his wanton attempt to introduce the rights of slaves upon this floor, and by avowing he held a paper in his pocket purporting to be a petition from slaves, signed by twenty-two. MR. P. said this admitted that he had communication with slaves, and was evidence, in law, of collusion. It broke down the principle that the slave could only be known through his master. For this he was indictable, under statute, for aiding and abetting insurrection; and for such conduct is he not amenable to the censure of this House? The privilege of speech protected a member from being questioned before any other tribunal, but does not exempt him from being questioned before this House.

MR. CAMBRELENG observed that he was not among the number of those who despaired of the safety of the Union, let the hurricane come from what quarter it would—from the North or from the South. There was sufficient virtue

and power among a large population, in every quarter of the Union, to keep the two extremes from breaking down the pillars of the confederacy, whether threatened with fanaticism on the one hand, or insurrection on the other. This was the first time he (MR. C.) had ever risen to speak upon this subject; he had felt as gentlemen from the South, when the honorable member from Alabama (MR. LEWIS) presented his resolution; he felt, that great as the sacrifice was to bring to the bar of this House one who had occupied the highest station on earth, as President of the United States, yet thought that it ought to be made. But now, after having heard the explanation of the honorable gentleman, (MR. ADAMS,) he viewed the subject altogether in a different light. It appeared to him that that gentleman (MR. ADAMS) had been hoaxed by some young men in Fredericksburg. The two gentlemen from South Carolina (MR. PICKENS and MR. THOMPSON) must pardon him for attaching less importance to this whole affair as it now stood, and if he could not treat it with the same solemnity. The venerable gentleman from Massachusetts had evidently been not only hoaxed in regard to the Fredericksburg petition, but insulted in the very petition for making the inquiry about which he was now arraigned before the House. The contents of the petition were known in this House before the gentleman from Massachusetts announced them. It was manifestly designed to make him appear ridiculous, by presenting a petition praying for his own expulsion. It came from a slaveholding quarter, and was no doubt designed to insult him for presenting so frequently abolition petitions.

MR. PINCKNEY said that, from the peculiar position in which he stood in relation to this question, he was constrained to throw himself upon the indulgence of the House. He concurred entirely with the gentleman from Alabama, (MR. LEWIS,) that this subject ought not to be discussed by Southern members. Opposed, as he always was, to the agitation of the subject of slavery on that floor, he was decidedly of opinion that now, more than ever, under the extraordinary circumstances of the present case, no Southern delegate should have said a word. The decision of the question should have been left entirely to the members from the non-slaveholding portions of the Union. He was sure that, if the decision was left to them, without any of that excited debate which always injures a cause, however intrinsically good, the enlightened patriotism and liberal feeling of the members from the non-slaveholding States would have done all that was necessary either to satisfy the injured feelings of the South, or to maintain the order and dignity of that honorable House, both of which had been outraged by the extraordinary conduct of the gentleman from Massachusetts, (MR. ADAMS,) against whom resolutions of censure had been moved. But, instead of simply demanding the action of the House upon this matter, and having the seal of

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its reprobation placed instantly and promptly upon the indignity that had been offered both to the South and to the House, member after member had risen, speech after speech had been made, resolution upon resolution had been offered, by Southern members, until excitement had risen to the very highest pitch; and, now, what was the consequence? Why, the gentleman from Massachusetts tells us that, if the gentlemen who have moved these resolutions wish to have him censured by the House, they must modify their resolutions, by striking out all that relates to the abolition of slavery; for the petition which had caused all this excitement not only does not pray for the abolition of slavery in the District of Columbia, but prays for directly the reverse, and even denounces him (Mr. ADAMS) for intermeddling with the subject. It seems, then, said Mr. P., that the petition which the gentleman offered to present is not a petition in point of fact; that it is nothing more than a quiz, or hoax, which has been played off upon the gentleman himself; and that, probably, in retaliation for the joke practised on himself, he determined to carry it still further, by playing it off upon the House. But whether the petition was genuine or not; whether it prayed for the abolition of slavery, or the expulsion of the gentleman himself; and whether the gentleman was in jest or earnest, his conduct was unquestionably reprehensible, and such as ought to be visited with the severest censure of the House. If the petition was genuine, it was an indignity to the House to have offered to present it, purporting, as it did, to come from slaves. Does not the gentleman know that the right of petition only attaches to the free white people of the Union, and that slaves can only be heard in a legislative body through the agency of their owners? But if the petition was a hoax, then the conduct of the gentleman was still more unjustifiable. It was adding insult to injury: first, by creating the impression that it was a genuine petition, and producing a scene of unparalleled excitement in the House; and then, as if he revelled in the tempest he had raised, turning it all into ridicule, by telling us now, after a protracted debate of several hours, that the petition is in favor of slavery, not against it, and that it was more against himself than any thing else. The gentleman, if such is his disposition, may enjoy this joke, and enjoy this scene; but farces of this kind neither suit the humor of the slaveholding States, nor comport with the character and dignity of the Legislature of the nation. But the gentleman says he did not present this petition, nor offer to present it; he only stated that he had such a petition, and inquired of the Chair whether it would come under the order of the House, by which all papers relating to slavery are directed to be laid upon the table, without printing or commitment, or any action whatsoever.

It would seem, then, (said Mr. P.,) that this notable hoax of a slave memorial was an in-

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genious device, by which the gentleman had attempted to manifest his contempt for an order solemnly adopted by this House, under the pitiful pretext that because the said hoax had reference to slavery, it must, therefore, be received and laid upon the table, as included in the general and comprehensive scope of the aforesaid order. If this was the object of the gentleman, so far from mending the matter, it only made it worse; for, according to his own showing, he had not only offended the House, in earnest, or trifled with it, if in jest, but, in either case, had determined, if possible, to throw ridicule upon a resolution which the House had thought proper to adopt for its own governance, in relation to all papers connected with the subject of the abolition of slavery. Mr. P. had no doubt that this laudable motive was duly appreciated by the House, and that they would manifest their high sense of the ingenuity of the gentleman in the manner that became them.

After a few incidental observations by MESSRS. CAMBRELENG, LAWLER, WISE, and JENIFER, the House adjourned, without coming to any decision.

TUESDAY, February 7.

Censure of Mr. Adams.

As soon as the reading of the journal was concluded,

Mr. ADAMS rose and said the minutes on the journal of the proceedings of yesterday were not, in one particular, sufficiently explicit. The journal stated that Mr. THOMPSON, of South Carolina, moved a modification of his own resolution "at the suggestion of Mr. LEWIS, of Alabama;" whereas, Mr. A. contended that the journal should set forth that Mr. LEWIS had moved, or offered to move, that resolution as an amendment, and that then Mr. THOMPSON, of South Carolina, accepted it.

After some conversation between MESSRS. ADAMS, THOMPSON of South Carolina, LAWLER, EVERETT, WILLIAMS of Kentucky, ALFORD, ELMORE, and MERCER, the journal was amended according to the suggestion of Mr. ADAMS.

The House then resumed the consideration of the unfinished business of yesterday, being the "privileged question" of censure embraced in the following resolution, submitted by Mr. THOMPSON, of South Carolina:

"1. *Resolved*, That the Hon. JOHN QUINCY ADAMS, by an effort to present a petition from slaves, has committed a gross contempt of this House.

"2. *Resolved*, That the member from Massachusetts, above named, by creating the impression, and leaving the House under such impression, that said petition was for the abolition of slavery, when he knew it was not, has trifled with the House.

"3. *Resolved*, That the Hon. JOHN QUINCY ADAMS receive the censure of the House for his conduct referred to in the preceding resolutions."

The question pending was the following, submitted as a substitute by Mr. HAYNES:

"Resolved, That JOHN QUINCY ADAMS, a Representative from the State of Massachusetts, has rendered himself justly liable to the severest censure of this House, and is censured accordingly, for having attempted to present to this House the petition of slaves."

Mr. JENIFER, who was entitled to the floor, begged leave to propound an inquiry to the venerable member from Massachusetts, (Mr. ADAMS.) He read the following proceedings from the Globe of this morning, and he would respectfully ask that gentleman if that report was correct:

"Mr. ADAMS then proceeded, and further presented abolition petitions from New Hampshire, New York, Michigan, Virginia, (nine ladies in Fredricksburg,)" &c.

"Mr. ADAMS next stated he had in his possession a paper, upon which he wished to have a decision of the Speaker. The paper, he said, came from twenty persons declaring themselves to be slaves. He wished to know whether the Speaker would consider this paper as coming under the rule of the House."

Mr. ADAMS said it must be perfectly within the recollection of the Speaker, that what was there stated in the Globe was correct. He did not present the petition, but kept it in his possession. He had stated to the Speaker that he had in his possession a paper purporting to be from twenty-two slaves, and he had asked the Speaker whether a petition of this kind would come under the rule of the 18th of January last; and the Speaker said, as it was a novel question, he would take the sense of the House upon it. He had also stated, before he commenced presenting his petitions, that he had some in his possession which it had occurred to him were impositions; as, by the order of the 18th of January, members who had an attachment to the right of petition were liable to imposition. He had stated that, among the petitions which were in his possession, he had the suspicion that some of them were not genuine; and he would appeal to members to say whether he had not given this statement when he presented several of his petitions. He had given this statement when he stated he had in his possession the petition purporting to be from slaves; but he did not say, and no member of the House had the right to infer, that this paper was for the abolition of slavery. It was impossible for him to have said any such thing; for if the House had received the petition, and it had been read, they would instantly have seen that he made a false statement. He would, furthermore, say that if it had been a petition of slaves for the abolition of slavery, he should at least have paused before he brought the subject before the House in any form. However sacred he might hold the right of petition, he would still exercise a discretionary power in bringing before the House petitions which it was his opinion ought not to be presented; that discretionary power, however, he would use

with prudence, and he would say that the mere circumstance of a petition being from slaves would not prevent him from presenting it; and if he should have incurred the censure of the House for so doing, he was ready to receive it.

As he had before said, however, he had not presented this petition to the House, and he was yet waiting the Speaker's decision before he could determine whether he would present it. If the House should decide that it was not a paper which came under the order of the 18th of January, and was not admissible, he should not present it at all. He would take this opportunity of saying to the House, that however much he might have been misunderstood by gentlemen, there was nothing further from his intention than to trifle with the House on this occasion; and never in the course of his life had he intended to pay a greater respect to the rules of the House and the rights and privileges of members. Had he consulted his own feelings, he would have presented the paper to the House; but, from the respect he paid to the rules of the House, he had asked the decision of the Chair before he presented the paper.

Mr. DROMGOOLE said he preferred action on a question of this character rather than debate, and he had risen only for the purpose of requesting the gentleman from South Carolina (Mr. THOMPSON) to accept a modification he would send to the Clerk's table:

The modification was read, as follows:

1. *Resolved*, That the honorable JOHN QUINCY ADAMS, a member of this House, by stating in his place that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, (as preliminary to its presentation,) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ; and that for the same he deserves the censure of this House.

2. *Resolved*, That the aforesaid JOHN Q. ADAMS receive a censure from the Speaker, in the presence of the House of Representatives.

Mr. THOMPSON accepted the above as a substitute for his own resolutions.

Mr. ELMORE trusted there was no intention of arguing this subject, but that the South would present united action, and an undivided front, and suffer all minor differences of opinion to subside.

Mr. LAWLER then took the floor, and insisted, at some length, that the explanation of the member from Massachusetts was any thing but satisfactory, and he made an earnest appeal to him to retract what he had done.

Mr. ROBERTSON said: I have taken no part, Mr. Speaker, in the stormy debate which the extraordinary conduct of the gentleman from Massachusetts has elicited. I was, sir, I confess, unwilling to trust to the emotions which that conduct could not fail to excite in the bosom of every Southern man. There was danger the first impulse might hurry us too far; for it is ever in moments of high excite-

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ment, of exasperation, such as we have just witnessed, that the most fatal precedents are established, and that, too, often under the influence of high and honorable motives. It is due, therefore, to ourselves, to the member implicated, and to the country, now that some degree of calmness is restored, to weigh well the consequences of the measure proposed under such circumstances for our adoption. To drag a member to the bar of this House, and cause him to be publicly censured by the Speaker, must be regarded by him and by all as a heavy punishment, and we ought to be able to give satisfactory reasons for inflicting it. Let us look to the resolution which professes to assign them. It declares that the member in question, by stating that he had a petition purporting to be from slaves, and inquiring whether it came within the meaning of a certain resolution, as preliminary to its presentation, has given color to the idea that slaves have the right of petition, and of his readiness to be their organ. Yes, sir; we charge that by stating a fact, and making an inquiry, he has given color to an offensive idea; and it is for the crime of intimating that idea we demand his punishment. I cannot go this length. So long as I have the honor of a seat here I will never consent, be the consequences to myself personally what they may, to censure or expel any member for the utmost latitude of inquiry or remark in which he may indulge, whilst acting in what he may regard, however erroneously, as the discharge of his duty, and keeping within the limits of parliamentary order. Let me not be understood as approving the conduct of the gentleman from Massachusetts. Far from it; no one more strongly condemns it. I concur with those who think that he has trifled with the patience of the House, to the great delay of its business, and wantonly tortured the feelings of a large portion of its members, by the minuteness with which he has dwelt upon the contents of offensive petitions, and the names and characters of those who signed them. I cannot hold him guiltless in unnecessarily introducing and enlarging upon this irritating topic of abolition; especially he seems to me much to blame for leaving the House so long under an evident and painful mistake in relation to the petition in his possession, by suppressing information of its contents. Nor do I believe that he has succeeded, by the explanation he has offered, in convincing one human being, except himself, of the propriety of his course. Indeed, in one respect that explanation must rather be regarded in the light of an aggravation, reiterating, as it did, the offensive doctrine that slaves have a right to send their petitions into this hall. That gentleman is too intelligent to assert, in his calmer moments, the preposterous position, that those who under the constitution are recognized as property, who constitute no part of the body politic, can exercise political rights. He ought to have foreseen the consequences which have ensued from suggesting a doubt up-

on that subject. But whatever may be my opinion, or that of the House, of the absurdity or impropriety of raising such a question here, it by no means follows that we can make it the ground of a penal proceeding.

Mr. ALFORD addressed the House as follows:

Mr. Speaker, the member from Massachusetts would screen himself from the censure of this House, because he has not sent his petition from slaves to your table. Sir, he has sent the petition from the free negroes of Fredericksburg, and that is as wrong and insulting to us as if it were from slaves. The Constitution of these United States no more allows the one than the other, and both are equally insulting. Moreover, the member has said he would not refuse to present a petition from slaves, if the House did not object. The member from Massachusetts says he would not offer an indignity to this House; the fact speaks for itself, and is more conclusive to my mind than all his professions.

Sir, there seems to be some difference of opinion amongst our friends here, as to what course we ought to pursue in this awful crisis of our beloved country. Some of our friends, as patriotic as any, have urged, in this debate, that we ought not to sit here and submit to this outrageous course of things; that if it does not cease, we should go home. No, sir; no, sir; this must not be; we will neither submit nor retire. If they prosecute this measure in this House, by attempts at legislating us out of our rights, we will resist it here by legislative acts as long as we can; and if at last they prove too strong for us, and succeed in passing unconstitutional laws, to rob us of our property, to murder our wives and children, still we will not submit; they must change the constitution before they can bind us by any laws of abolition; this they never can do, if the South is true to itself. And true we shall be, I hope in God, to our constitution, our wives, our children, and our country. If still they pursue us to the last, and attempt to do by force what they never can do by law, we will not be found wanting; we will not desert this Capitol nor this country. This is the Old Dominion; this land is ours as well as theirs; it was ceded by Virginia and Maryland, where slavery is tolerated by law. Shall we leave it, then, to the dominion of force, and that, too, inflicted by the unhallowed arm of the wild and worse than savage fanatic? No, never!

I apprehend, Mr. Speaker, that the South is not well understood upon this subject. Party purposes and party policy may have prevented a fair and full expression of the feelings and opinions of people of all parties at the South upon this floor. The spirit of the South has not been felt here as it should have been. Let me tell gentlemen, it is a firm and unconquerable resolution never to surrender one jot or tittle of our constitutional rights upon this subject. We have a common interest in this Government, a common title in this capital; it

bears the name of the immortal Washington, and he was a Southern man. Shall we, then, ever surrender the one or desert the other? No, never! Never, until this fair city is a field of Waterloo, and this beautiful Potomac a river of blood.

MR. CUSHING said that the House, during the whole of yesterday and to-day, had been the scene of a most excited and very discursive debate, branching out into a great variety of incidental topics, many of which were but remotely connected with the main question. There was, in truth, only one thing for the House to determine. Did the venerable member from Massachusetts, by the inquiry he propounded to the Chair, violate any law of the land, or any known parliamentary rule, so as to render him liable to the indignant censure of the House? This was the real point in issue, on the precise merits of the resolution moved or adopted by the gentleman from South Carolina, (MR. THOMPSON.)

I have not risen (said Mr. C.) to analyze or discuss that resolution. There is no need of it. My honorable colleague near me (MR. LINCOLN) has ably discharged this duty. He has demonstrated, temperately but manfully, the untenableness of all the grounds on which the resolution had been made to rest. The sentiments expressed by him do honor alike to his head and his heart. I declare my cordial concurrence in every word he has uttered on this occasion.

And, after this declaration, it is but a necessary consequence to say that to no resolution of censure, based on the matters now before us, to no rebuke, expressed or implied, to no action of the House that shall touch that individual (MR. ADAMS) with so much as the uttermost edge of the shadow of indignity, will I give my assent. If, in the present contingency, any thing had transpired of itself tending to justify the resolution of censure, I could not fail to remember that he, who is the object of it, has presided over the destinies of my country; that he is at this moment a representative, in common with myself, of the State of Massachusetts; that, eminent as he is by reason of his long public services, and the exalted stations he has held, he is yet more eminent for his intellectual superiority; that his character no longer belongs to his State or his country, but to the history of civilization and of liberty; and I would have members ponder well the case, before they proceed, whether to gratify friends or appease foes, to record their votes in censure of such a man.

This House is called upon to punish my colleague, for the alleged offence of speaking words in his place, and in the execution of his duty, which give color to the idea that slaves possess the right of petition. Was it an offence? And if so, in what text is the offence defined and the punishment prescribed? There is no such text. The proposition is, to censure my colleague at the mere will of the House, its arbitrary will, for an act which offends a portion of its mem-

bers, by raising the implication of an erroneous idea. Whither is this precedent to lead? Is it not utterly subversive of the freedom of debate? A member is not to utter an opinion, or by words of inquiry insinuate an opinion, obnoxious to the rest of the House? I must express my surprise—I will not say my indignation, because that would infer reproach—that gentlemen, who continually themselves exercise the privilege of debate in its widest latitude—who stretch it to the farthest verge—who do this in the utterance of opinions offensive to a majority of the House—my profound astonishment that such gentlemen should urge the arbitrary punishment of my colleague for a pretended abuse of the right of debate. Or do members from the South conceive they are to have the privilege of speech exclusively to themselves? If so, it is time they should awake from their self-delusion.

Relying, however, very little on the merits of the question, gentlemen seek to justify their purpose by other considerations. To begin, they denounce, in no measured terms, the distinguishing opinions of Massachusetts on the subject of this great question of public liberty, incidental to the resolution before us. They err most egregiously, if they believe that such opinions are exclusively peculiar to Massachusetts or to New England. Those opinions prevail quite as extensively in the great States of New York, Pennsylvania, and Ohio, for example, as they do in New England. They are, indeed, opinions of elemental right, lying at the very bottom of all the political institutions of the country. It may be that such opinions are more strongly held, and more universally understood, in New England, than elsewhere in the United States. I may not deny it. Deny it? I glory in the fact. It is the proof and the result of our old and persevering dedication to liberty.

Gentlemen talk to us of these our great fundamental rights—as the freedom of speech, of opinion, of petition—as if they were derived from the Constitution of the United States. I scout such a doctrine. If there were a drop in my veins that did not rebel against the sentiment, it would be bastard blood. Sir, I claim to be descended from the king-killing Roundheads of the reign of Charles the First; through a race of men not unremembered in peace or war; never backward in the struggles of liberty; a family, upon the head of a member of which the first price of blood was set by Great Britain, in revenge of his early devotion to the cause of independence. I venerate their character and their principles. I am ready to do as they did—to abandon all the advantages of country, home, fortune, station—to fly to some western wilderness—and to live upon a handful of parched corn and a cup of cold water, with God's blessing on honest independence—sooner than I will surrender one jot or tittle of those great principles of liberty which I have sucked in with my mother's milk. I disdain to hold these rights by any parchment title. The people of

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the Commonwealth of Massachusetts, the people of every State of this Union, came into it in the full possession and fruition of all these rights. We did not constitute this Government as the means of acquiring new rights, but for the protection of old ones, which nature had conferred upon us; which the constitution rightly regards as pre-existing rights; and, as to which, all the constitution does is to provide that these rights neither you, nor any power on earth, shall alter, abrogate, or abridge. They are rights of Heaven's own giving. We hold them by the supreme tenure of revolution. We hold them by the dread arbitrament of battle. We hold them by the concession of a higher and broader charter than all the constitutions in the land—the free donation of the eternal God, when he made us to be men. These, the cardinal principles of human freedom, he has implanted in us, and placed them before and behind and around us, for our guard and guidance, like the cloud by day and the pillar of fire by night, which led the Israelites through the desert. It is a liberty, native, inborn, original, underived, imprescriptible; and acknowledged in the constitution itself, as pre-eminently before and above the constitution.

Now, in their denunciations of the North, it is these, the very primordial rights of the universal people of the United States, that gentlemen from the South assail. They strike at the freedom of opinion, of the press, and of speech, out of doors—and the right of petition and debate in this House.

It seems to be imputed as a crime, to a portion of the inhabitants of the non-slaveholding States, that they entertain sentiments condemned by a majority of this nation. But can it be a crime? I appeal once again to that portion of the members from the South who are foremost in this debate—I mean the gentleman from South Carolina (Mr. THOMPSON) and his friends—who on certain subjects differ in opinion with a great majority of their countrymen; and I ask them whether they stand prepared to abide by and sustain the doctrine that opinions, unacceptable to the majority, are a moral or political crime? Will they apply to themselves the rule of judgment which they urge so vehemently against the people of the North? Will they deliberately sanction such an odious doctrine? I know they cannot. They must perceive that it is impossible by any act of the will to control the conclusions of the mind. It is our duty, in all the contingencies of life, to weigh well the facts and the reasonings upon which our judgments are to be formed; to apply to every question a conscientious desire to arrive at the truth; to spare no means to inform ourselves rightly as to the matters which the mind is to judge. But the result is not a thing within the scope of the will. And it is monstrous, therefore, to bring opinions to the bar of legal censure. It is a violation of the interior sanctuary of a man's own soul. It is the very acme of tyranny. The arbitrary power to

condemn and punish opinion is that which gave birth to the protestant reformation, and which has rendered the inquisition a by-word of odium and reproach. It is that self-same thing from which our fathers fled—the Puritans, the Catholics, the Quakers, the Huguenots—when they left their native Europe to found an asylum for conscience in this New World. It is that which has nerved the arm and edged the sword, in every contest of liberty, which lightens along the history of civilized man.

As to speech and the press—I admit that here there is more difficulty than in the case of opinion. It is a practical problem, extremely difficult of solution, to determine always how much of liberty in this respect is possible to be maintained, without degenerating into licentiousness. And it is a practical question, greatly dependent on times and circumstances. I shall not seek, in these cursory remarks, to solve the problem. It suffices for my present purpose to suggest the idea, that the suppression of political inquiry, while it is a thing hostile to the general spirit of our institutions, is hard of accomplishment, and apt enough to end in aggravating the evil it is designed to remedy.

I had occasion, the last winter, to express my views on the general subject of the right of petition. They remain without change. And I can but repeat my conviction, that this, like the liberty of conscience and the press, is not a right given by the constitution, but an original right of the constituent people of the United States, and one which they never parted with, but in their compacts of political fellowship expressly saved from all abridgment and limitation forever. The right of the people to petition for a redress of grievances, and the duty of Congress to receive and consider such petitions, are in my estimation the correlative conditions of the right. A petition is the formal mode in which the people bring their wants or opinions to the direct notice of Congress. It is an essential ingredient of representative institutions. To forbid the citizen to prefer his wishes to Congress by petition would be to lop off one of the chief democratic features of our Government, and to convert it into an aristocracy of elective despotism. It would be a curtailment of the constitutional liberties of the people of the United States, to which they could not and should not submit.

Mr. Speaker, such are my sentiments in regard to these great fundamental rights of my fellow-citizens. I think they are, in the substance and the general outline, the sentiments of the bulk of the people of the North; and I had fondly imagined, until very recently, that they were sentiments co-extensive in prevalence with the jurisdiction of the republic. Entertaining this belief, I have deeply regretted to see the dangerous topic of slavery mixed up with other questions, wholly foreign to it in principle.

Sir, I put it to gentlemen, in all directness and sincerity, do they suppose that angry attacks

on the freedom of opinion, of speech, of the press, of petition, of debate, are likely to check the spread in the United States of that disapprobation of slavery, which is but another form, conversely considered, of the love of liberty? Do they deem it possible to smother the opinions and stifle the petitions of the free men of the United States? Ay, and of the free women too? For I confess it seems to me a strange idea to uphold, in this enlightened age, that woman, refined, educated, intellectual woman, is to have no opinion, or no right to express that opinion. Do gentlemen soberly think their cause can be strengthened in the country, by bringing to the bar of the House for contempt, by subjecting to censure, by expelling, a Representative of one of the free States, because he may have given color to the idea that slaves can petition Congress?

The resolution before the House proposes to censure my colleague for the act of stating that he held a paper purporting to be a petition from slaves, and asking of the Speaker whether such a paper falls within a certain order of the House.

Now, as I have already said, I hold the right of petition to be an original and unalienated right of the people of the United States, secured to them by the constitution, but not derived from it. I hold that the right appertains, not to the subject matter of the petition, but to the person of the petitioner. I hold, also, that the obligation to receive a petition corresponds to the right of petitioning; since the right, without the duty, is a mere name, and not a substance. And there may be a power to receive a petition, without any obligation to receive it, or any right to insist upon its reception as a corresponding duty. For instance, Congress has the power to receive a petition of a foreigner; and yet Congress lies under no obligation to receive it; because the right of petition is guaranteed only to the people of the United States. Is it not, as a matter of constitutional law, just so in the case of a slave? The constitution guarantees to the constituent people of the United States their natural rights of opinion, discussion, assembly, and petition, against all abridgment. Are slaves embraced within these guarantees of the constitution? I think not. As to the natural right of the slave in these particulars, that, like his natural right of personal freedom, not being assured to him by the constitutional compact, is not a question within the constitutional competency of Congress.

But the inquiry whether Congress may receive the petition of a slave depends on other considerations. It is a question, not of the right of the petitioner, but of the discretion or power of the petitioned. And this appears to me to be just such a matter-of-fact question of common sense as might occur in the relations of private life. There is a multitude of supposable cases in which I could receive and grant the request—that is, the petition—of a slave. I can-

not infringe the legal rights of the master without becoming amenable to the law of the land; nay, to a higher forum, since I should be doing an act immoral and dishonorable as well as illegal. He is in the eye of the law the property of his master. But is he not also a human being? Does not the Constitution of the United States expressly call him a person, while making him an integral part of the basis of representation? Can he prefer no petition, no request, no prayer, in any circumstances? If I see him drowning in the canal, or about to be struck down by a stranger, and he cries to me for succor, may I not listen to him? Suppose a memorial to come to me from a slave, setting forth by well-authenticated statements, that he is in a foreign land, oppressed and wronged, and his master, a citizen of this country, does not know it, or cannot be found; may I not bring the matter before the Government, whether it be Congress or the Executive, which ever has the power to afford redress? What I mean to say is, that, in matters having nothing to do with abolition, and not affecting in any other respect the legal rights of the master, it might be proper and reasonable to lend an ear to the petition of a slave. These, I know, are extreme cases; and they are suggested only as illustrations of my idea; for I would no more present a petition from slaves, in derogation of any of the constitutional rights of the South, than I would offer a deliberate insult to the Chair or to the House.

Having been at all times a strenuous advocate of the freedom of opinion, of the press, and of petition, I consider it my duty to state thus explicitly my views of the existing constitutional limitation of these immunities. It were unbecoming to be a stickler for the rights of one part of the country, and blind to the rights of another part. I resist the attempt to punish my colleague by a sort of *ex post facto* law, which in its tendency extinguishes the freedom of debate, and subjects every member to the arbitrary will of a majority. I defend the particular opinions of the North. I assert the freedom of opinion, speech, the press, petition, inherent in the people of the United States, and secured to them by the constitution. But while I maintain the sanctity, the inviolability of these rights, as it befits a representative of Massachusetts to do, I will not practise here, nor countenance elsewhere, any encroachments on the constitutional rights of the South.

WEDNESDAY, February 8.

Election of President and Vice President—Counting the Electoral Votes.

This being the day especially set apart by a joint resolution for the two Houses to convene in joint meeting, for the purpose of opening and counting the electoral votes given by the several States for President and Vice President of the United States—

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Mr. HAYNES said, as the hour had nearly elapsed, he begged to propound an inquiry to the Chair, in relation to the order in which the Senate should be received by the House on occasions like the present.

The CHAIR stated, in reply, that the usual course had heretofore been for the House, some short time before the arrival of the hour, to send a message to the Senate, informing that body that the House was in readiness to receive them and count the votes. The Chair stated, further, that, so far as he had been informed, the mode of receiving the Senate by the House was for the members to stand uncovered.

Mr. PATTON moved that, while the votes were being counted, ladies be admitted to the privilege of the floor of the hall.

Mr. JARVIS objected.

Mr. CALHOUN, of Massachusetts, moved a suspension of the rule; agreed to—yeas 141, noes not counted; and Mr. PATTON's motion was agreed to without a division.

Mr. ANTHONY inquired if it was necessary to move that a committee wait upon the Senate; and, if so, whether the chairman of the select committee on the subject should appoint a sub-committee, or the Speaker of the House.

The CHAIR stated, in reply, that upon every occasion of this kind, with a single exception, the invariable course had been to send a message to the Senate by the Clerk. In one instance only the message had been transmitted by a committee of two members of the House, who were also appointed to conduct the Senate into the hall; but that was a departure from the former practice.

Mr. ANTHONY moved that a message be then sent to the Senate by the Clerk, notifying that body that the House was in readiness to receive them, and count the votes for President and Vice President of the United States.

The CHAIR stated, before putting the question, that the seats on the right of the Speaker's chair had been provided for the accommodation of the Senate, and others provided for the members to which they belonged.

Mr. ANTHONY's motion was then put and agreed to.

The Clerk accordingly left the House; the Senate shortly after entered the hall, with the President of the Senate, the Hon. WILLIAM R. KING, of Alabama, at their head, preceded by the Secretary and the Sergeant-at-arms of the Senate, and were received at the door of the hall, and conducted to the seat assigned them by the Sergeant-at-arms of the House of Representatives, all the members being uncovered, and rising in their places.

When the Senators had taken the seats assigned them, and the President of the Senate had seated himself at the right of the Speaker, the tellers took their seats at the Clerk's table.

The tellers were—for the Senate, the Hon. FELIX GRUNDY; for the House of Representa-

tives, the Hon. FRANCIS THOMAS and the Hon. LEVI LINCOLN.

The PRESIDENT OF THE SENATE then rose and said:

The two Houses being now convened for the purpose of counting the electoral votes of the several States for President and Vice President of the United States, the President of the Senate will, in pursuance of the provisions of the constitution, proceed to open the votes and deliver them to the tellers, in order that they may be counted.

I now present to the tellers the electoral vote of the State of Maine.

The tellers then counted the votes, and announced them, severally, in their order, the same form having been observed in every case; the tellers also reading the qualifications of the electors, and the certificates of their elections.

He then announced the result, as reported by the tellers, as follows:

For President of the United States.

For MARTIN VAN BUREN, of New York—

If the votes of Michigan be counted - 170

If the votes of Michigan be not counted 167

For WILLIAM HENRY HARRISON, of Ohio - 73

For HUGH LAWSON WHITE, of Tennessee - 36

For DANIEL WEBSTER, of Massachusetts - 14

For WILLIE P. MANGUM, of North Carolina 11

It therefore appears (continued the President) that, were the votes of Michigan to be counted, the result would be, for MARTIN VAN BUREN, for President of the United States, 170 votes; if the votes of Michigan be not counted, MARTIN VAN BUREN then has 167 votes. In either event, MARTIN VAN BUREN, of New York, is elected President of the United States; and I therefore declare that MARTIN VAN BUREN, having received a majority of the whole number of electoral votes, is duly elected President of the United States, for four years, commencing the 4th day of March, 1837.

The PRESIDENT OF THE SENATE then announced the votes for Vice President of the United States, as reported by the tellers, as follows:

For RICHARD M. JOHNSON, of Kentucky—

If the votes of Michigan be counted - 147

If the votes of Michigan be not counted 144

For FRANCIS GRANGER, of New York - 77

For JOHN TYLER, of Virginia - 47

For WILLIAM SMITH, of Alabama - 23

It therefore appears (continued the President) that, were the votes of Michigan counted, the highest number of votes for Vice President of the United States would be 147; and if those votes be not counted, the highest number of votes for that office will be 144. But, in either event, no person has received a majority of the electoral votes for Vice President of the United States; and I do therefore declare, that, no person having received such majority, no person has been elected to that office; that RICHARD M. JOHNSON, of Kentucky, and FRANCIS GRANGER, of New York, are the two highest

on the list; and it now devolves on the Senate of the United States, as provided in the constitution, from those two persons to elect a Vice President of the United States.

No. of Electors appointed in each State.	STATES.	For President.					For V. President.		
		Martin Van Buren.	Daniel Webster.	William H. Harrison.	Willie P. Mangum.	Hugh L. White.	Richard M. Johnson.	Francis Granger.	John Tyler.
10	Maine.	10					10		
7	New Hampshire.	7					7		
14	Massachusetts.	14					14		
4	Rhode Island.	4					4		
3	Connecticut.	3					3		
7	Vermont.	7					7		
42	New York.	42					42		
8	New Jersey.	8					8		
30	Pennsylvania.	30					30		
3	Delaware.	3					3		
10	Maryland.	10					10		
23	Virginia.	23					23		
15	North Carolina.	15					15		
11	South Carolina.	11					11		
11	Georgia.	11					11		
15	Kentucky.	15					15		
21	Tennessee.	21					21		
5	Ohio.	5					5		
4	Louisiana.	4					4		
9	Mississippi.	9					9		
5	Indiana.	5					5		
7	Illinois.	7					7		
4	Alabama.	4					4		
3	Missouri.	3					3		
8	Arkansas.	8					8		
8	Michigan	8					8		
294	Whole number of electors, were the votes of Michigan counted.	170	14	78	11	26	147	77	47
148	Necessary, were the votes of Michigan counted.								
291	Whole number of electors, were the votes of Michigan not counted.	167	14	78	11	26	144	77	47

The PRESIDENT OF THE SENATE then announced that the object for which the two Houses were assembled, under the constitution, had been accomplished, and that the Senators would retire to their chamber in order.

The Senators then rose and retired in the order they came, the members of the House rising in their places and remaining uncovered.

Mr. THOMAS, from the committee on the part of the House of Representatives, to join such committee as might be appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, reported:

That the joint committee, in further execution of the duties with which they were charged by the two Houses of Congress, have agreed to the following resolution, in which

their committee recommend to the House of Representatives to concur:

Resolved, That a committee of one member of the Senate be appointed by that body, to join a committee of two members of the House of Representatives, to be appointed by that House, to wait on MARTIN VAN BUREN, of New York, and notify him that he has been duly elected President of the United States for four years, commencing with the 4th day of March, 1837.

The above resolution having been concurred in,
The House adjourned.

THURSDAY, February 9.

Censure of Mr. Adams.

The CHAIR announced the unfinished business, being the question of privilege involved in the consideration of the following resolutions in relation to Mr. ADAMS.

The original resolution moved by Mr. W. THOMPSON was modified by him, at the suggestion of Mr. DROMGOOLE, as follows:

"1. *Resolved*, That the Hon. JOHN QUINCY ADAMS, a member of this House, by stating, in his place, that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, (as preliminary to its presentation,) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ; and that for the same he deserves the censure of this House.

"2. *Resolved*, That the aforesaid JOHN Q. ADAMS receive a censure from the Speaker, in the presence of the House of Representatives."

Mr. BYNUM had offered the following as a substitute:

Strike out all after the word "*Resolved*," and insert, "That an attempt to present any petition or memorial from any slave or slaves, or free negro, from any part of the Union, is a contempt of the House, and calculated to embroil it in a strife and confusion incompatible with the dignity of the body, and that any member guilty of the same justly subjects himself to the censure of the House.

"*Resolved*, That a committee be appointed to inquire into the fact whether any such attempt has been made by any member of this House, and report the same to the House as soon as practicable."

The question immediately pending was the following amendment to the amendment moved by Mr. PATTON:

"*Resolved*, That the right of petition does not belong to slaves of this Union; that no petition from them can be presented to this House without derogating from the rights of the slaveholding States and endangering the integrity of the Union.

"*Resolved*, That every member who shall hereafter present any such petition to this House ought to be considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union."

"*Resolved*, That the Hon. JOHN Q. ADAMS having solemnly disclaimed a design of doing any thing dis-

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respectful to the House in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented—therefore, all further proceeding as to his conduct now cease.”

Mr. FRENCH said: The honorable gentleman from Massachusetts (Mr. CUSHING) who last addressed the House upon these resolutions, contended that the right of petition was a natural right, derived from our Creator; and, being a natural right, so derived, belonged to all human beings. If that gentleman meant that all men have the natural right to supplicate the Deity, he is right. If he meant that all men, while in a state of nature, had the right to petition their fellow-beings for what they wanted, he is right. If he meant that all men, in their personal relations and intercourse, have the same right now, he is right. But if he meant that all men have the right to petition the Government, I think he is wrong.

Sir, there was a time when civil government did not exist; and how can a man be said to have a natural right to petition a political being who had no voice in its creation—who is neither party nor privy to the body politic?

That gentleman was pleased also to favor us with what he termed the abstract opinions of the abolitionists—opinions which, as he said, they honestly and conscientiously entertained. And what are those opinions? That slavery is, in the abstract, a social, moral, and political evil. I will not, Mr. Speaker, debate the question whether slavery be or be not, in the abstract, a social, moral, or political evil, but I refer to what the honorable gentleman said to prove what are the grievances of the abolitionists, and what their objects. Slavery, according to his exposé of their views, is their grievance—universal emancipation, then, must be their object.

If they prevail in that object, through the action of Congress, what becomes of the rights of the slave States, as guaranteed to them by the constitution? What becomes of the Government? Sir, it is plain that the end of these things, if successful, terminates in the overthrow of the Government. This view of the subject, therefore, has also an unfortunate bearing upon the conduct of the honorable gentleman whom it is proposed to censure.

Sir, the history of abolition petitions in this House during the last and present sessions of Congress, and of the efforts of a large majority of this House to avoid the agitation and consequent excitement, here and elsewhere, of this dangerous question, are known to this House and to the country. I will not attempt to repeat them, but will call the attention of the House to the resolution of the 18th of January, by which this House ordered all petitions, memorials, propositions, and papers, relating to slavery or the abolition of slavery, presented to the House, to be received and laid upon the

table, without being printed or referred. It reads as follows, to wit:

“*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.”

What, sir, was the object of this House in passing this resolution? It was to give peace to this House and the country on this exciting question. That object was known to us all. It was known to the honorable gentleman in question. His conduct, therefore, in bringing before the House the question of the right of slaves to petition, by inquiring of the Chair if a petition from slaves came within that resolution, defeats the object of the House, and is disrespectful to the House.

The terms of the resolution are broad and comprehensive; and, considered without reference to those to whom the right of petition belongs, the circumstances under which it was adopted, and the object the House had in view by its passage, would be construed to let in petitions and papers on the subjects embraced in it from all persons. But when considered in reference to these considerations, the resolution neither enlarges nor abridges the right of petition. It leaves the right of petition as it stood before its passage. Does that resolution, then, enlarge the right of petition? The House did not dream of enlarging the right of petition. Will any one contend the slaves inhabiting the island of Cuba have a right, under the resolution, to petition this House? Or that it gives to the blacks planted at Liberia the right of petition? In short, does it confer the right of petition to all people? Surely not. The broadness of the resolution, then, forms no justification or excuse for the honorable gentleman from Massachusetts.

The conclusion, then, Mr. Speaker, to which my own sense of duty conducts me, is, that that honorable gentleman, by raising the question of the right of slaves to petition this House, did wrong—in fact, by so doing, threw a firebrand into the House, in contempt of all its efforts to allay all excitement upon this subject, and especially of the settled judgment of the House, as expressed by the passage of the resolution of the 18th January—that he has, by his conduct in question, trifled with the House, its feelings and its characters, and therefore ought to be censured. In voting for the resolution to censure that honorable gentleman, I shall not be influenced by any unkind or unfriendly feeling towards him personally. But, sir, whilst I feel it my duty, in my representative character, to disapprove of his conduct, I shall give my vote under a lively sense of his high character for talents and learning, and of the distinguished ability with which he has discharged the important duties

of the high and honorable stations which he has filled at home and abroad.

If the majority of this House are satisfied with the explanations of that honorable gentleman, and think proper to excuse him, they can do so. Those explanations have not satisfied me, and I shall do my duty.

Mr. EVANS insisted that the charge of offence, on the part of the gentleman from Massachusetts, was too vague to justify a vote of censure upon him. There was nothing specific. The resolution did not set forth any thing like contempt towards the House, or even an infringement of its rules, but that he had "given color to the idea" that slaves had the right to petition. Mr. E. held that the House had the right to punish a member for a determined violation of its rules; because, otherwise, the whole business of the country might be obstructed by a disorderly member; but no man could be punished for the expression of his honest opinions. The limitation to this, such as personalities, reflections upon the past conduct of the House, &c., were expressly laid down in the *lex parliamentaria*. With reference to the right of slaves to petition, he said there were cases embracing it. It had been said, also, the slave had no constitutional rights but through his master. This was not so; and he put the cases of murder, or unprovoked assault, and that of alleged kidnapping, where his legal rights were recognized, and frequently put in force.

Mr. PICKENS explained that if the gentleman from Maine was alluding to his argument, he (Mr. P.) had not said the slave had no legal rights, but that he had no constitutional or political rights. That was a question he should like to hear the gentleman argue.

Mr. EVANS was referring to constitutional or legal rights, which he insisted had been secured to the slave. He then adverted to the general character of the petitions praying for the abolition of slavery in the District of Columbia, in none of which was there found any harsh language in relation to the peculiar institutions of the South or Southern men, nor any expressed or implied wish to interfere with those institutions. There might be a few solitary exceptions, but it should be borne in mind that there was much warmth on both sides. The right of the abolitionists to petition, however, should have been respected, and their memorials continued to be received, as they formerly had been. While this was done, their numbers were few and their efforts feeble; but they had increased in numbers, and become more powerful, from the manner in which they had been treated by Congress. They contended that slavery was a great moral, social, and political evil, and was, besides, indefensible by argument; and the refusal of the House to listen to them, and argue with them, justified them, in their own opinion, in these allegations; but there was nothing insulting in this. Even that language was borrowed from Virginia; and

he was about to cite some passages from the debates in that State on the adoption of the constitution, containing this declaration, when

Mr. PATTON arose, and hoped the Chair would restrict the limits of the debate within the proper range of order. If the gentleman was suffered to go on in this way, it must be obvious that a debate was springing up which would be interminable.

The CHAIR reminded the House that he had several times interposed to confine the debate within the proper limits, and had repeatedly reminded gentlemen that they were taking too wide a range, but in the performance of that duty he had not been sustained by the House. As he had been called upon, however, he should enforce the rule, and take the sense of the House whether the gentleman from Maine should be allowed to proceed.

Mr. EVANS was allowed to proceed, but declined to do so, saying he did not wish to discuss the subject of slavery, or to introduce any new topics into the debate.

Mr. PATTON then read the following modification of his amendment:

Resolved, That any member who shall hereafter present to the House any petition from the slaves in this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union.

Resolved, That the honorable JOHN Q. ADAMS having solemnly disclaimed all design of doing any thing disrespectful to the House, in the inquiry he made of the Speaker, as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition to the House, was of opinion that it ought not to be presented—therefore, all further proceedings in regard to his conduct do now cease.

Mr. PATTON moved the above, which

Mr. THOMPSON accepted, and Mr. BYNUM withdrew his amendment.

Mr. VANDERPOEL moved the previous question.

Mr. ADAMS appealed to Mr. V. to withdraw this motion, to allow him to submit some remarks to the House.

Mr. VANDERPOEL could not withdraw the motion, unless the gentleman from Massachusetts would pledge himself to renew the motion when he had concluded his remarks.

Mr. ADAMS said it was not in his power to comply with this request, because he desired to have the opportunity of a full hearing in his own defence; and he had hoped he would be granted the privilege.

Mr. KENNON moved to lay the whole subject on the table.

Mr. RENCHER called for the yeas and nays on this motion; which were ordered, and were—yeas 50, nays 144.

So the motion to lay on the table was decided in the negative.

Mr. BRIGGS moved a suspension of the rules, for the purpose of allowing the gentleman

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from Massachusetts (Mr. ADAMS) to address the House.

The CHAIR decided this motion to be out of order, inasmuch as the previous question had been moved.

The question was then taken on the second to the previous question, when it appeared that the previous question was not seconded—yeas 79, nays 100.

Mr. WISE then said he wished merely to remark that he hoped the House, after hearing, as they ought to hear, the gentleman from Massachusetts, (Mr. ADAMS,) would be disposed to take the question without further debate; because he had an important matter to lay before the House from one of the select committees.

Mr. ADAMS began by observing that he would take up as little of the time of the House as was possible for him to do on this important subject. The first question before the House was the inquiry addressed by himself to the Speaker and to the House. On this inquiry, no question had yet been taken. He (Mr. A.) was, however, extremely anxious that the question should be taken, and that every member of this House should record his vote on this important proposition, namely: "Whether the House shall refuse to receive a petition from slaves, under any circumstances whatever." When he (Mr. A.) first made this proposition as a matter of inquiry only, and when the Speaker submitted the inquiry to the House, a member immediately rose, (Mr. HAYNES,) and said that he did not know how to meet a proposition of this kind. He (Mr. HAYNES) thought it was not deserving attention; that to receive it in any shape would be bestowing upon it more attention than it deserved. If, then, the question did not deserve attention, how came it to happen that the House had been engaged so long a time in debating upon such a question? Why, if the question was not deserving attention, have gentlemen professed to feel so deeply upon it, and been so anxious to bring me to the bar of the House to receive censure? Why was not an inquiry of so little importance disposed of at once? If the Speaker had objected to receiving the petition, I (said Mr. A.) should not have presented the paper, out of respect to the House, though I know that it is a question more important than the honorable gentleman (Mr. HAYNES) imagines. Sir, I know it to be a question demanding deep attention from this House, from this nation, and from the civilized world. I said (continued Mr. A.) that I was willing to abide by the conclusion the House might think proper to come to on this subject, whatever that conclusion might be; but at the same time I confess I was exceedingly anxious that this question, in the abstract, should be taken and decided upon by the House. I was anxious that every member of this House should record his vote, for all time to come, on a question of such importance—a question

which opened the whole subject of the condition of slaves in this country—a question which brought into inquiry the whole subject of the power and privileges of this House, and of the freedom of speech in debate. These are questions of vital importance; these are privileges dear to some, though there may be those by whom they are not valued. I had hoped, sir, to have received an answer to the proposition "if a petition from slaves would be received by the House," because, as I have stated, the answer to this proposition would open the whole subject relating to slavery, and the whole question relating to the privilege of speech of the members of this House. The answer to this inquiry involved all this, and more than this.

Amidst the prevailing excitement, and among the various speeches which the numerous resolutions against him had elicited, he (Mr. A.) had heard but one individual who had undertaken argumentatively to discuss the question which he (Mr. A.) had propounded to the Speaker; and that individual was the gentleman from Kentucky, (Mr. FRENCH.) That honorable gentleman, who is an able judicial character, has treated the subject as an argument before a court of law; but, sir, the subject demands a different kind of argument. What was his argument, sir? It was this: that if you abolish slavery, you take away a part of the representation which the constitution has guaranteed to the Southern States. But, I ask, has that gentleman established any connection between his premises and his conclusions? What, sir? If slavery were abolished, they will be deprived of the right of representation, and therefore the House cannot receive petitions from slaves!

[Mr. FRENCH, the member referred to, explained. He (Mr. F.) did not affirm that slaves were entitled to representatives, if that was what the honorable gentleman (Mr. ADAMS) understood him to say.]

Mr. ADAMS resumed. Has he taken the right issue, sir? Has he drawn his premises and his conclusions to a closer connection? What, sir? If you should deprive the South of its representation, what then? Is that any reason to assign why slaves should be deprived of the opportunity of crying for mercy to this House? There is no connection between the two things. Sir, he has travelled out of the record; he has raised a totally different question from the actual question which is alone before this House: he has substituted the question "if slavery should be abolished," in place of the question put to the Speaker, viz: "if the House would receive petitions from slaves under any circumstances." My colleague (Mr. CUSHING) has, more forcibly than I can do, already discussed the proposition of the freedom of petition. He has shown that it is a right not derived from the constitution, not given by parchment, but prior to the constitution; given, by the God of Nature, to every

man when he created him; it is the right to implore favor, to seek for mercy! a right which the framers of our constitution would have spurned the very idea of abridging or limiting, or restricting to any particular color or class of men! He recognized this right as belonging to all men in the constitution which they framed; and, in that constitution, sir, instead of imagining any limits to this right, they solemnly declared, in that instrument, that it should not be abridged! Yes, sir, that it should not be limited—they recognized no limitation of any kind to this sacred right. It is, sir, a right belonging to every human creature, which does not depend upon the condition of the petitioner, and which cannot be denied to man in any condition. This, sir, is the principle involved in the inquiry put by me to the Chair—a principle more than recognized by the constitution, which has declared that this right shall suffer no abridgment, no limitation whatever! If you now abolish this principle, this first and humblest right given from God to every human being, a limitation will next be put to the right of petitioning, in the fullest extent to which party madness might hereafter be inclined to carry it. If the House shall decide that the paper I possess comes under the order of the House of the 18th of January, I will present the petition, and in doing so shall be doing my duty—a duty of the highest importance to my country, to humanity, and to human nature. What, sir? Will you put the right of petitioning, of craving for help and mercy and protection, on the footing of political privileges? It is an idea which has not even been entertained by the utmost extreme of human despotism; no despot, of any age or clime, has ever denied this humble privilege to the poorest or the meanest of human creatures. If this House decides that it will not receive petitions from slaves, under any circumstances, it will cause the name of this country to be enrolled among the first of barbarous nations. A petition is a supplication; and supplication for what? For relief from those who have the power to give relief, and who are placed in a situation to attend to the cry of distress. That would be a sad day, sir, in my opinion, when a vote should pass this House that would not receive a petition from slaves? What would it lead to? When the principle is once begun of limiting the right of petition, where would it stop? Gentlemen have objected to the petition immediately preceding that which I presented, because it came from colored people! from color! That, sir, is giving color to an idea with a witness!* The honorable gentleman makes it a crime because I presented a petition which he affirms to be from colored women, which women were of infamous character, as the honorable gentle-

man says—prostitutes, I think the gentleman said.

[Mr. PATTON explained. He (Mr. P.) did not say they were prostitutes; the objection he made was that the petition came from free mulattoes in the South; he did not object on the ground of opposition to the right of petition, but because he (Mr. P.) considered that the House ought to refuse to open its doors to applications from the Southern slaves. As to the infamous character of the women in question, he mentioned that, not as if he deemed it a reason for refusing the right to petition, but because he wished to wipe away the stain from the ladies of Fredericksburg, as these women had been called "ladies of Fredericksburg" by the honorable gentleman, (Mr. ADAMS.) He (Mr. P.) was sure that no ladies from Fredericksburg had sent such a petition to this House.]

Mr. ADAMS continued. He (Mr. A.) was not certain that he called them ladies, or whether the petition itself had not stated that they were ladies. Whenever he presented petitions from ladies, he was not in the habit of using that term for their designation; the word "woman" was an expression much dearer to his heart than that of "lady." But to return to the idea he was about to enforce. He (Mr. A.) thought the honorable gentleman had said that they were infamous; but the proposition which he would ever maintain was that the sacred right of petition, of begging for mercy, as it did not depend upon condition, so also it did not depend upon character; it was a right which could not be denied to the poorest, the humblest, and the most wretched; and, moreover, it was a right which could not be refused to the most vile, the most abandoned, or most infamous. He (Mr. A.) did not, however, know that they were in the present case infamous, but he thought that was the word used in debate by the honorable gentleman, (Mr. PATTON,) and that it was so reported in the National Intelligencer.

[Mr. PATTON again explained. He (Mr. P.) had not said that he knew those women.]

Mr. ADAMS continued. He was glad to hear the honorable gentleman disclaim any knowledge of them; for he had been going to ask, if they were infamous women, then who was it that had made them infamous? Not, he believed, their own color, but their masters; and he had heard it said, in proof of this fact, and he was inclined to believe it was the case, that there existed great resemblances in the South between the progeny of the colored people and the white men who claimed the possession of them. Thus, perhaps, the charge of being infamous might be retorted upon those who made it, as originating from themselves.

[Great agitation in the House.

Mr. GLASCOCK here interposed, and produced from the Clerk's table the original petition

* One of the resolutions presented to the House charges Mr. ADAMS with giving color to the idea, &c.

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referred to, and said that it bore on its back an endorsement in Mr. ADAMS's hand, "from nine ladies of Fredericksburg." Cries of order! order!]

Mr. ADAMS continued. He (Mr. A.) would observe that he did not know they were colored people; whether they were called ladies or women was very indifferent; the term "woman" was enough for him. But (observed Mr. A.) if you once admit the principle that the right of petition is limited, and will not apply to slaves, the next thing will be to limit it still further, by extending the limitation to free colored people; and, after this, the next limitation will be to the question of the character of the petitioners; then the next limitation will be to inquire on what side of political parties are the petitioners; and then, sir, from one side all petitions will be perfectly good and receivable, but on the other side all the petitions will be from people of bad character, according to the representations of any member who may say he does not know who they are; they will be all infamous, sir, who are on the wrong side. This will be the case. To this state will things come if the right of petition shall be limited by peculiar distinctions, and shall be made to rest on such grounds as these which have been relied upon in this debate.

Another gentleman (Mr. ROBERTSON) has taken another ground. He says the right of petition is not to be admitted, except when it is in the power of the party petitioned to grant the object prayed for. There is some plausibility here; the expediency of petitioning those who have not the power to grant the petition might, perhaps, be made a question; but the right itself is not affected. The absence of power on the one side does not involve the deprivation of a right on the other side; incompetency in one man does not involve the deprivation of his rights to another man; take away the party petitioned, the party offering the petition remains with all its rights unimpaired. Where, then, is the objection? Besides, the power to grant a petition might be made one of the most mooted questions in the world. If the right of presenting a petition or of not presenting is made to depend upon the question of power, then it may be shown, by the opinions of slaveholders themselves, that Congress has the power; and, consequently, according to the gentleman's own argument, the right of petition is also possessed on the other side. The opinion that Congress had the right to abolish slavery in the District of Columbia was entertained by the great majority of Southern gentlemen themselves only a few years ago; now, however, not many can be found who would venture to acknowledge such an opinion. Some, indeed, there are, who have that magnanimity, though I know not what it may cost them for expressing their opinions. I appeal to the records of this House, which will show that, on the question of its power to abolish slavery in the District,

a great majority of this House will be found to have been in its favor; the House has been, heretofore, almost unanimous on the subject. The honorable gentleman (Mr. ROBERTSON) thinks that Congress has no such power; and that therefore, on this account, the petitions ought not to be received. The ground he (Mr. ROBERTSON) takes is this: that the petitioner has no right to petition, because Congress has no power to grant! Let us concede the premises, then it is clear that the whole right of petition is rendered a nullity; it is reduced to nothing; it is annihilated; for, let but a majority only please to assert the absence of power on any question not agreeable to them to entertain, and (according to the argument) the right of petition ceases to exist, because of the alleged absence of power!

As to the character of petitioners, I wish it was in my power to elucidate the proposition which I maintain; and which is, that the right of petition does not depend upon any moral qualifications. But I shall not now, sir, urge any arguments to illustrate this proposition. Gentlemen, indeed, have desired to found the right of petition on moral character; but I shall show that it cannot be limited.

I would take the resolutions of the honorable gentleman from Virginia, (Mr. PATTON,) which the Speaker has decided to be the subject before the House, instead of the abstract proposition put by myself to the Chair; though that proposition, sir, was the real question before the House; and it was this: "Whether the paper I held in my hand came under the rule of the 18th of January." Now, sir, in the course of the arguments which I have heard on this subject, (or, I should say, debates, rather than arguments,) the attention of the House has been diverted into different channels, and the subject-matter of debate has been changed from my question first propounded to the Chair, to other and different questions, almost without number, and all of them, sir, relating to me, all their object being, to the very last, down to this final resolution, offered by the gentleman from Virginia, (Mr. PATTON;) I say, sir, the object of them all has been to pass censure upon me. Yes, sir, to pass censure, either direct or implied, upon myself, for having asked a simple question of the Speaker!

I do not propose, sir, to go through all the speeches which fell upon me so thickly, which came down, pouncing upon me like so many eagles upon a dove, calling me infamous, with other harsh expressions; nay, from one quarter of the House I heard cries "Expel him! Expel him!" However, sir, I will lay all this aside. First came a resolution by the gentleman from Georgia, (Mr. HAYNES;) that was succeeded by the resolution of the gentleman from South Carolina, (Mr. THOMPSON;) then came a modification by the gentleman from Alabama, (Mr. LEWIS,)—all of them, sir, reminding me of what Dame Quickly says: "Oh! day and night, but these are bitter words." Yes, sir, they all

contained very bitter words against me; but, unfortunately, in the midst of all the joy and hopes of certain triumph, when the gentlemen were quite sure of at least two-thirds of the votes of this House against me, I was obliged to ask that, if brought as a culprit to the bar, to receive censure as a criminal, the gentlemen would first amend their resolution a little, because it was contrary to facts. Well, sir, they took advantage of my suggestion, and whisk came another resolution, as bitter as the first, charging me as guilty of a gross contempt of the House; then came a second resolution, bringing me in guilty of trifling with the House, because, as it was presumed, I suffered the House to believe the facts to be true; and so, sir, I was to be brought to the bar of the House for letting the House believe what they had not the slightest right to believe! I was to be found guilty, sir, for permitting the House to believe as true a thing which there had not been one word uttered by me authorizing them even to infer, much less to believe. Another resolution was then discussed, but it had not been long before the House, when it was found that it would not do; and then came a fresh resolution; at last, after all, came the proposition by the honorable gentleman from Virginia, (Mr. DROMGOOLE,) of which I shall not speak much, though it might, perhaps, have been made a theme for merriment to the House; for it was charged upon me by this resolution that I had given color to an idea; to this resolution an amendment was proposed, which was immediately seconded by the gentleman from Alabama, (Mr. LEWIS;) and this also was a motion censuring me for giving color to an idea; then, immediately after, as nothing yet would answer the purpose, whisk came another resolution, changing the whole ground, and censuring me, not for what I had done, but for what I had not done; because, forsooth, I had given color to an idea. But the gentleman from Maine (Mr. EVANS) has anticipated me in most of the observations I proposed to make on this charge, and I shall say no more on that subject.

I did not get up soon enough to set all these gentlemen right, to show them the best way to censure me, and prevent them from running wild in the manner they had done, bringing forward resolutions in such rapid succession, but all of them, unfortunately for the movers, contrary to facts. I beg the honorable gentlemen (Messrs. LEWIS and THOMPSON) to remember that when I say there was not one word of truth in this last resolution of theirs, I do not intend to impeach their veracity; there are no two men in whom I would place more confidence, so far as to confide to them all that I possess; but I say that, in offering this resolution to the House, inflicting censure upon one who has never, in all his parliamentary career, given offence to them, they went a little beyond the bounds of that course of conduct which is due from one gentleman of this House to another; and I would only give them one word

of friendly admonition, that, when in future, they may wish to censure me, they would first be careful to pay more attention to facts.

[Mr. LEWIS explained. He (Mr. L.) had risen in his place and inquired what was the character of the petition; this was full two hours before he had any idea that it was not a petition for abolition.]

Mr. ADAMS continued. He (Mr. A.) was extremely glad to admit the explanation, and he hoped the gentlemen would not feel it unkind when he only gave them his advice—advice from an old man addressed to those who were yet young; and that advice was, that when in future they charged others with crimes, first to be quite sure of their facts. But he would now call for another explanation from the gentleman from South Carolina, (Mr. THOMPSON;) and, if that gentleman and the House would permit him, he (Mr. A.) would read from the National Intelligencer the report of what he had said in the House, and would beg to ask that gentleman (Mr. THOMPSON) if the sentiments as here reported are really the expression of his own deliberate and reflected opinion.

“Does the gentleman, even in the latitude which he gives to the right of petition, think that it includes slaves? If he does not, he has wilfully violated the rules of the House and the feelings of its members. Does that gentleman know that there are laws in all the slave States, and here, for the punishment of those who excite insurrection? I can tell him that there are such things as grand juries; and if, sir, the juries of this District have, as I doubt not they have, proper intelligence and spirit, he may yet be made amenable to another tribunal, and we may yet see an incendiary brought to condign punishment.”

[Mr. THOMPSON explained. He (Mr. T.) would state to the House that he had thought there was not one human being living who entertained the opinion that slaves had any right to petition, under any circumstances. When he (Mr. T.) first heard the gentleman from Massachusetts, (Mr. ADAMS,) it appeared to him (Mr. T.) that the gentleman had acted wilfully, until he afterwards heard him state differently. As to the other portion of the report, he (Mr. T.) had thought at the time it was a petition for the abolition of slavery which had been presented, on which account he had characterized it as he had done in the report. He (Mr. T.) spoke as a lawyer, and would observe that such is the law in South Carolina.]

Mr. ADAMS resumed. There, sir, stands the sentiment; there is the written record, in which the gentleman has threatened me with an indictment before the grand jury of the District of Columbia, as a felon and an incendiary, for words spoken in this House! And now the gentleman (Mr. THOMPSON, of South Carolina) has again avowed the sentiment, and declares that, if the petition had been such as he imagined, he would still not only call me, to the bar of this House, to be reprimanded by the Speaker, but, in addition to this, he would invoke

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the vengeance of a grand jury upon my head! Yes, sir, he (Mr. THOMPSON) would make a member of this House amenable to a grand jury! Such being the case, sir, I would beg to invite that gentleman, when he goes home, to study a little the first principles of civil liberty. As that gentleman appears here the representative of slaveholders, I should like to know, sir, how many others there are, if any, who are prepared to endorse his sentiments. If this House, sir, is come to this point; if a member of Congress, in presenting a petition, let it be for whatever object it may, is amenable, not to this House, sir, but to the grand jury of the District of Columbia; if this is the opinion of the slaveholding gentlemen, let it go before the nation; let the people know who they are who have uttered such a sentiment, and made such an avowal!

[Mr. WISE rose and said he would not endorse that sentiment; if he (Mr. W.) thought that the members of the legislative branch were responsible to any tribunal, that of the grand and petit juries of the District of Columbia would be the last in the world he would wish to see this House (which represented the sovereign people of America) responsible to. This little tribunal of the District, to which it was proposed to subject the American people, in the persons of their representatives, was notoriously under the dictation and authority of the Executive, who already dictated both to the Senate and to this House.]

Mr. ADAMS, in continuation, replied. If the law of South Carolina is a good argument to the gentleman from South Carolina, (Mr. THOMPSON,) and if a member of that Legislature is made amenable for words spoken in debate, not only to the Legislature, but also to the grand and petit juries—if that, sir, is the law of South Carolina, I thank God I am not a citizen of South Carolina! [Great agitation.]

In the kingdom of Great Britain, where the Speaker of the House of Commons is subject to be approved of by the King before his election is confirmed, even there, sir, the first thing the Speaker addresses to the King, after his election, is a demand of freedom of speech in the House; and the King never sends him, sir, to the grand or petit jury, to know how far the House is under liability for words spoken in debate. Such a sentiment, sir, uttered in this House, such a threat held out to the representatives of this nation, when it shall come before the world in the report of this debate, cannot fail to excite contempt and amazement; and it will be a matter of no less surprise that, when utterance was given to such a sentiment, it was not immediately rebuked by the Speaker. If, sir, a resolution of censure was ever called for, I know not what could more imperatively demand it than such a declaration made in this House. I know not what it could be possible to utter more proper to subject any member to be called to answer for as a gross contempt upon this House! What, sir! We, the repre-

sentatives of the nation, are all of us subject to the grand jury of the District of Columbia for words here spoken? We from the Northern and Eastern States are liable, sir, to be indicted as felons and incendiaries for presenting petitions not exactly agreeable to some members from the South? Is that the tenure on which we hold our seats? If it is, I wish the House may pass the resolution that whoever hereafter proposes to hand up a petition from slaves is an enemy to the Union. If this, sir, is the condition of this House, the gentleman from Virginia (Mr. WISE) has anticipated me in what I was going to say: If a grand jury, to which the gentleman (Mr. THOMPSON) proposes to make me amenable for things done in this House, constituted as in the nature of things a grand jury will be in this District—if they are to be the avengers of words spoken in this House, it will not be long before the gentleman himself will have to answer before a grand jury as an incendiary for things said not pleasing to the Executive! Let that gentleman, let every member, ask his own heart, with what confidence, with what peaceful ease, with what freedom, with what firmness, would he be able to give utterance to his real sentiments and opinions, if he felt, as he was speaking, that for every word, for every proposition, relating to human freedom, he was liable to be brought up for punishment as a felon before a grand jury of the District of Columbia? A jury, sir, of twelve men, appointed by a marshal, holding his office at the pleasure of the President! And this jury is to be the supreme judge of the sovereign American people, in the persons of their representatives!

I have dwelt, sir, so long upon this topic that, in order to spare the time of the House, I shall endeavor to abridge what remains for me to say. I do not know but that I should be willing to take the question on the whole proposition censuring me, without even saying one word in my own defence, leaving it entirely to the good sense and to the justice of the House. But it is not possible for me to pass over in silence the sentiment to which the honorable gentleman (Mr. THOMPSON) gave utterance, and which was not, as it ought to have been, immediately put down by the Speaker. Sir, I do not even yet know what is the answer of the House to the question propounded by myself; no question has been taken upon it; it does not yet appear what portion of the South assents to the doctrine of the gentleman from South Carolina, (Mr. THOMPSON.) It is not my desire, sir, to urge this point further than an imperative sense of what is my duty requires me to do, and, on this account, I repeat, I cannot pass it over in silence. If, when the gentleman, (Mr. THOMPSON,) instead of coming at once to a solution of that question, brought forward his resolution of censure against me—sir, if he thought to frighten me from my purpose—if that, sir, was his object, he mistook his man! I am not to be intimidated by the

gentleman from South Carolina, (Mr. THOMPSON,) nor by all the grand juries in the universe. The right by which every member of this House holds his seat here is of the deepest and utmost importance to the whole nation; and I trust this debate will be read by every portion of the country, and that, among other astonishing things in this debate, the astonishing threat of the gentleman will not be unnoticed. We have heard, sir, of the great superiority of Anglo-Saxon blood. What, sir! is there a drop of that blood flowing in the veins of any man who will subscribe to such a political doctrine as this? How little does such a person understand of the true principles of freedom in relation to the powers of a legislative assembly! I would ask every member of this House, what would have been the issue if, in the British House of Commons, to which I have already alluded, one member of Parliament should tell another member that, for what he had said or done in Parliament, he should be made amenable to the grand jury of the city of Westminster? Sir, it would be too ridiculous for indignation; it would excite one universal shout of laughter; it would from thenceforth render him who had uttered the menace,

"Sacred to ridicule his whole life long,
And the sad burden of some merry song."

It is not possible for me to make my defence in any system or order. All that I say is unavoidably desultory, and I cannot find how to arrange a reply to charges made in such variety and disorder. When I take up one idea, before I can give color to the idea, it has already changed its form, and presents itself for consideration under other colors. The attack upon myself has assumed so many forms that I can compare it to nothing so well as to an actor on the stage, who changes his dresses and makes his appearance so frequently in different guise, that no one can tell that it is the same actor. Just so are all the resolutions, variable and changing, which charge me with giving color to an idea. If I were to plead guilty, what is the offence? Am I to be found guilty for giving color to an idea? Or, if I would defend myself, what excuse can be alleged? What defence can be made against this new crime of giving color to ideas? I am not able, therefore, to act as if I knew what was the cause which existed for passing censure upon me. But, I beg to say, I should deem it to be the heaviest calamity which has ever befallen me in the course of a life chequered with many vicissitudes, if a vote of censure from this House should pass upon my name, or upon any action of mine in this House. Yes, sir, I profess and avow that, in the whole course of my life, this would be what I should regard the heaviest of all calamities which had befallen me! And now, when I thus speak, am I treating with contempt this House? Have I ever done so? Has not the honor of this House been among the first and dearest sentiments of my heart? I have rever-

enced this House as the representatives of the whole people of this Union. I have further felt that sentiment which is called the *esprit de corps*. I appeal to this House if I have not been the first to come forward and defend its honor and dignity on more than one occasion. When members of this House, in the habit of voting differently from myself, were charged with liability to bribery, when it was said of them (and that by one to whom they are most devoted) that they would have been bribed, I, sir, was the first to vindicate the honor and integrity of the House, and to repel the foul accusation! Again, when other charges were made against the honor of this House, (from what quarter I will not say,) was I found backward in supporting its character? Are these instances of contempt? And now am I to be brought to the bar for a contempt of this House, for doing that which was done in the most respectful manner which it was possible to devise? For asking a question of the Speaker; consulting him first upon the admissibility of a petition by the rules of the House? If I am deserving censure for making this inquiry of the Speaker, your Speaker, who made the inquiry of the House, is much more deserving of censure. But if a majority of this House shall be found to pass censure on me, be it so; and if I have an enemy, let him know that he has triumphed; for a worse calamity could not befall me on earth.

My first objection to the resolution of the honorable gentleman from Virginia (Mr. PARSONS) is, that it does not meet and answer my question. It does not say, if the House will receive a petition from slaves, or if it will not; that question, the original question, and the one still, as I think, before the House, is not met; we are left in the dark whether it is proper or not; no one knows. But suppose it is proper, where then is the offence in asking if it be proper? And suppose the House decide that it is improper, where then is the offence in ascertaining, in asking merely, what is the disposition of the House? Let this question be brought to a vote; I wish to record my vote on this subject; I consider it among my most imperative duties to do so; the liberty of every member of Congress depends upon the question; and let me say, if the House has any respect for itself, it will never pass such a vote as this, namely, that the House will refuse to receive a petition from slaves.

The next objection which I have to state against the resolution of censure is this: instead of answering the question put by me to the Chair, it turns upon the man; it runs away from the question, and fixes upon an ideal man, on "whosoever hereafter shall propose to present a petition from slaves," he, the ideal man, the future existence, "is an enemy to the Union." What is all that, sir, but the same in substance as the intimidation which was made by the gentleman from South Carolina, (Mr. THOMPSON,) that whoever presented such a

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petition should be brought before the grand jury as incendiaries? It is a declaration, it is a menace, a threat, that any member who shall hereafter present a petition from persons held in slavery, be the object of the petition ever so reasonable, shall be amenable to punishment; it is a threat, a menace, a terrifying limitation to the freedom of speech and action in this House. If the vote pass, I, sir, shall submit, and will not present the petition; but, at the same time, I shall think that it is a most disgraceful resolution, surrendering up at once the rights of every man in this House. What member of Congress, sir, who thinks as I do, and who might present petitions from slaves, founded on just and reasonable grounds, would feel himself a free agent in this House? Not only he is interdicted from presenting such a petition, but, at the same time, his freedom of action is placed under limitation in this House. By such a step the whole question of liberty and independence is surrendered, is abandoned! If, by this resolution, you decide that a man is infamous for making a proposition in this House, which in itself is not unreasonable, but which gives offence only because it comes from a human being who is in a state of slavery—if you do this, when once you have taken this step, you may next expect resolutions declaring a member in the minority infamous for displeasing the majority.

In reference to the second resolution, I not only do not assent to it, but I ask as a right of the House not to pass it. It is only a substitute for all the other resolutions of a stronger character, which appeared and disappeared, one after the other; all of them, however, calling me to the bar to answer, as if guilty of contempt towards the House. This resolution, however, goes upon the ground that I submit, that I plead guilty; and therefore, out of pure kindness, as I have acknowledged the offence, there is no necessity of further action in reference to me; it presumes that I have made concessions which I have not made, and that but for such supposed concessions, I ought to have been punished, for doing my duty in this House! If such a resolution as this were to pass, it would be said that, upon the most important question that ever came before the House since its first origin, I had received a pardon from the House—that the House had forgiven me. Forgive me, sir? What for? For any violation of the rules of the House? Was it a violation of the rules to ask the Speaker if a paper not presented came under the rules, and so might be presented? Was that a violation of the rules of the House? But suppose for a moment that it was a violation of any rule to ask a question of the Speaker, what was the duty of the Speaker? Ought he not to have answered the question, and to have said "No;" and that the paper I held in my possession it would be out of order to present? If the Speaker did not rebuke me, but

said, as he did say, that it was a novel question, and that he would take the advice of the House, then, if I am to be indicted before the grand jury as a felon and an incendiary, the Speaker must be indicted along with me for putting to the advice of the House the question which he put to it: I only put the question to the Speaker, but the Speaker put the question to the House.

I am content that the whole question go before the nation as it is reported in the National Intelligencer of this morning. And here I will say that I am not conscious of having given the least particle of offence to the House, nor of having done any thing which I would not do over again. My conduct was dictated by a sense of duty, and in the same persuasion of what was my duty I remain still unshaken. But, sir, among other things alleged as reasons for censuring me, it has been said I have trifled with the House. I have already disclaimed, and again I not only disclaim any such intention, but I deny that any man in this House has ever had cause to believe that I ever trifled with the House. Such was not my intention; I never was more serious in any moment of my life; therefore, I am unwilling that a resolution should pass containing the declaration that the House ceased all further action on the subject because I made disclaimers. I renounce all advantages on the ground of my having made a disclaimer. While I totally disclaim any intention of trifling with the House, while I totally disclaim any purpose of offending or provoking any of the members of this House, while I totally disclaim any contemptuous course or any violation of the rules and orders of the House, sir, at the same time, I disclaim not any particle of what I have done; not a single word of what I have said do I unsay; nay, I am ready to do and to say the same again tomorrow. One word in conclusion: I would only beg the House and the country to exonerate me from the charge of consuming the time of the House here. If the House had suffered the petitions to be laid on the table with the multitude of petitions there already buried in oblivion, no one would have heard of it any more. As to the time occupied by me in presenting petitions, the whole time employed by me in the fulfilment of this great duty has never at any one time exceeded half an hour. If members have risen to obstruct me in doing my duty, raising questions and debating them interminably, I appeal to this House, I appeal to the nation, that it is not I who am answerable for this loss of time.

Mr. WILLIAMS, of North Carolina, moved to lay the whole subject on the table.

Mr. GHOLSON called for the yeas and nays; which were ordered.

Mr. UNDERWOOD moved an adjournment.

Mr. BOULDIN called for the yeas and nays; which were not ordered; and the motion to adjourn was decided in the negative.

The question was then taken on the motion to lay on the table, and decided in the negative—yeas 59, nays 137.

So the motion to lay on the table was decided in the negative.

Mr. WILLIAMS, of Kentucky, called for the yeas and nays on ordering the main question; which were not ordered; and the main question was then ordered to be put.

Mr. CAMBRELENG called for a division of the question, so as to take the vote separately on each resolution.

The question was then taken on the first resolution, in the following words:

"1. *Resolved*, That any member who shall hereafter present any petition from the slaves of this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union:"

And decided in the negative—yeas 92, nays 105, as follows:

YEAS.—Messrs. Alford, Beale, Bell, Bouldin, Boyd, Bynum, John Calhoun, Cambreleng, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dawson, Deberry, Dromgoole, Dunlap, Elmore, Forester, French, James Garland, Rice Garland, Gholson, Glascock, Graham, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Harden, Albert G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Huntsman, Jenifer, Joseph Johnson, Cave Johnson, John W. Jones, Lawler, Lewis, Loyall, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, Maury, McKay, McLene, Mercer, Miller, Montgomery, Morgan, Owens, Patton, Peyton, Pickens, Pinckney, Rencher, Joseph Reynolds, Richardson, Robertson, Rogers, William B. Shepard, Augustine H. Shepperd, Shields, Standefer, Taliaferro, Thomas, Waddy Thompson, Turner, Vanderpoel, Ward, White, Lewis Williams, Sherrod Williams, Wise, Yell—92.

NAYS.—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Barton, Beaumont, Black, Bockee, Bond, Borden, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Casey, George Chambers, Chaney, Chapin, Chetwood, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Fowler, Fry, Fuller, Galbraith, Gillet, Granger, Grennell, Haley, Hiland Hall, Hard, Harper, Samuel S. Harrison, Hazeltine, Henderson, Herod, Hoar, Howell, Hubley, Hunt, Huntington, Ingersoll, William Jackson, Janes, Jarvis, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Laporte, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Logan, Love, Job Mann, Samson Mason, McCarty, McKennan, Milligan, Morris, Muhlenberg, Page, Parker, Patterson, D. J. Pearce, Pearson, Phelps, Phillips, Potts, Reed, John Reynolds, Russell, Schenck, Seymour, Shinn, Sickles, Slade, Sloane, Spangler, Sprague, Storer, Sutherland, John Thomson, Underwood, Wagener, Wardwell, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey—105.

So the first resolution was rejected.

Mr. PICKENS said as the first resolution had been rejected, he hoped the mover would withdraw the second.

The CHAIR replied that the resolution could not now be withdrawn.

Mr. HANNEGAN moved to lay the second resolution on the table; which was pronounced to be out of order.

The question was then taken on the second resolution, which is as follows:

"2. *Resolved*, That the Hon. JOHN Q. ADAMS having solemnly disclaimed all design of doing any thing disrespectful to the House in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented—therefore, all further proceedings in regard to his conduct do now cease:"

And passed in the negative—yeas 21, nays 137, as follows:

YEAS.—Messrs. Bell, Black, John Calhoun, Carter, N. H. Claiborne, John F. H. Claiborne, Craig, Deberry, Dunlap, Gholson, Huntsman, Jenifer, Lawler, A. Mann, Maury, Peyton, Robertson, Shields, Standefer, Wagener, S. Williams—21.

NAYS.—Messrs. Alford, C. Allan, H. Allen, Anthony, Bailey, Barton, Beaumont, Bockee, Bond, Borden, Bouldin, Boyd, Briggs, Brown, Buchanan, Burns, W. B. Calhoun, Cambreleng, Campbell, Carr, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Chetwood, Childs, Clark, Cleveland, Corwin, Crane, Cushing, Cushman, Darlington, Denny, Doubleday, Evans, Everett, Fowler, French, Fry, Fuller, Galbraith, Granger, Graves, Grayson, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, Harper, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Herod, Hoar, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, W. Jackson, Janes, Jarvis, Joseph Johnson, C. Johnson, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Laporte, Lawrence, Lay, Thomas Lee, Lincoln, Logan, Love, Lucas, J. Mann, S. Mason, McCarty, McKay, McKennan, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Page, Parker, Patterson, D. J. Pearce, Pearson, Phelps, Phillips, Pinckney, Potts, Reed, John Reynolds, Richardson, Russell, Schenck, Seymour, A. H. Shepperd, Shinn, Slade, Sloane, Spangler, Sprague, Storer, Sutherland, Thomas, J. Thomson, Turner, Underwood, Vanderpoel, Wardwell, Webster, Weeks, White, E. Whittlesey, Thomas T. Whittlesey, Lewis Williams, Wise—137.

John Quincy Adams excused.

So the second resolution was rejected.

A motion was then made by Mr. LANE that the House do adjourn; which was decided in the negative—yeas 72, nays 84.

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Mr. WISE then rose and said: Mr. Speaker, I thank the House for not adjourning. I will detain it but for a few moments, and I should not press the matter I have to bring to its notice at this time but for the fact that to-morrow, and, indeed, during the whole time of the sessions of the House, my duty will call my attention to the Select Committee of which I am a member, and from the character of the report itself. It is a report affecting a question of privilege.

I am directed, continued Mr. W., by the

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committee appointed on the 17th of January last, to report the following resolution, which, I will promise, was adopted by the unanimous vote of the committee. Mr. W. then read as follows:

"Reuben M. Whitney, who has been summoned as a witness before this committee, having, by letter, informed the committee of his peremptory refusal to attend, it becomes the duty of the committee to make the House acquainted with the fact; therefore,

Resolved, That the chairman be directed to report the letter of Reuben M. Whitney to the House, that such order may be taken thereon as the dignity and character of the House require."

Mr. W. reiterated the fact that this resolution had been unanimously adopted, and he sent to the Clerk's table the letter of the witness, together with another letter showing the manner in which the former had been communicated to the Select Committee.

[This letter was from the Hon. ABIJAH MANN, of New York; but, on application, it could not be obtained.]

Mr. W. continued. I will remark, sir, that by this communication from the member of the committee into whose hands the letter of the witness fell before it fell into mine, this letter of this contumacious witness reached the committee; but I could not, from self-respect, present it. Sir, I considered it disrespectful to the committee as much as to myself personally. I ask that it be read.

Mr. PEAROE, of Rhode Island, said, under the supposition that this subject would come up as the first business in order to-morrow morning, and as it was one that would be likely to produce debate, he moved that the House adjourn.

FRIDAY, February 10.

Case of R. M. Whitney.

The unfinished business was the report made last evening, from Mr. WISE, chairman of the Select Committee appointed to inquire into the administration of the Executive Departments, stating that Reuben M. Whitney had refused to appear before the said committee; which report was accompanied by a letter from R. M. Whitney, and a memorial from him, sent for presentation to the Speaker on Monday last, but which was not presented, owing to the proceedings in the case of Mr. ADAMS.

The report concludes with the following resolution:

Resolved, That the chairman be directed to report the letter to the House, that such order may be taken as the dignity and character of the House require."

Mr. WISE asked that the communication of R. M. Whitney be now read, that the House might see what was its character, and take such steps as, in its judgment, might be necessary to defend its own dignity.

The letter and memorial having been read,

The SPEAKER said it was proper he should state that on Monday last, after the meeting of the House, a memorial of a similar character was laid on his table. It was not in order on that day for him to present it, nor had it been in order since.

Mr. LINCOLN then stated that, in the few remarks which he had to submit, he should make no reference to any proceedings which might have occurred in reference to the same individual before another select committee of this House.

He would offer the following series of resolutions for the consideration of the House:

Resolved, That Reuben M. Whitney, in refusing to appear as a witness before a select committee of this House, acting by the authority of the House, under a resolution of the 17th January last, after being duly summoned thereto, has been guilty of a contempt of the committee and of the House.

Resolved, That the letter addressed by the said Reuben M. Whitney to the committee, and by the committee referred to the notice of this House, declaring his determination peremptorily to decline to appear before any committee constituted in such manner and of such persons as the pleasure and judgment of the House shall designate, until the House, as a condition precedent, shall have redressed his supposed wrongs, both in the manner and style of communication, is contumacious, arrogant, and offensive; alike disrespectful to the House, and utterly subversive of its rightful authority.

Resolved, That the Speaker of the House issue his warrant, directing the Sergeant-at-arms to take into custody the person of the said Reuben M. Whitney, that he may be brought to the bar of the House to answer for the contempt aforesaid.

Mr. LANE suggested that the resolution should be so modified as to give the sense of the House that Mr. Whitney ought to appear before the committee; and, if such should be declared to be the sense of the House, Mr. L. undertook to say that Mr. Whitney would appear and answer questions as he ought to answer them.

Mr. LINCOLN here modified his amendment, to read as follows:

Resolved, That whereas the select committee of this House, acting by the authority of the House under a resolution of the 17th of January last, has reported that R. M. Whitney peremptorily refused to give evidence in obedience to a summons duly issued by said committee, and has addressed to the committee the letter reported by said committee to the House: Therefore,

Resolved, That the Speaker of this House issue his warrant, directed to the Sergeant-at-arms, to take into custody the body of Reuben M. Whitney, that he may be brought to the bar of the House, to answer for an alleged contempt of this House.

The subject was further debated by Messrs. PARKS, WISE, D. J. PEAROE, ROBERTSON, MERCER, LINCOLN, and A. MANN.

Mr. BOON moved the previous question; but there was no second.

Mr. CLAIBORNE, of Mississippi, moved to

amend the resolution by adding at the end thereof "and that he be allowed counsel, when brought to the bar, should he desire it."

The amendment was accepted by Mr. LINCOLN, as a modification.

Mr. CLAIBORNE then addressed the House as follows:

Mr. Speaker, (said Mr. C.,) let no man call me the friend of Reuben M. Whitney. If he stood in that group, I could scarcely identify him. I am no lawyer, nor do I appear here as his advocate. I confess myself prejudiced against him. The many charges, mysterious and undefined, which have been brought against him here by gentlemen high in rank—the constant denunciations with which he has been visited—the glittering tomahawk which has been held over his head, like the sword of Damocles—have made upon my mind unfavorable impressions. There are other reasons, sir, which I will not name. But he is an American citizen, accused of a serious offence, and I demand counsel for him. Sir, I voted last session, time after time, in a minority, with the gentleman from Virginia, (Mr. Wise,) for his committee of investigation. I voted uniformly for it this session; but I will not consent that a resolution shall pass to drag to this bar a free citizen of the republic, to be tried by those who are prejudiced against him, without securing to him the privilege of counsel. I denounce it as a high-handed and arbitrary proceeding, unworthy of the age in which we live, and disgraceful to the tribunal that sanctions it.

[Mr. LINCOLN here rose and accepted the amendment offered by Mr. CLAIBORNE.]

Mr. C. continued. I am glad that the gentleman has agreed to this act of justice. It removes from this proceeding its most obnoxious feature. But I doubt, if I do not deny, the propriety of dragging Whitney to this bar. I have my doubts whether he has been guilty of a contempt. Sir, your doctrine of contempt is a dangerous doctrine, that originated in times unfavorable to human liberty; in those old days of privilege and prerogative, when the rights of the citizen, if understood, were not defined, and when parliamentary bodies were used by Kings as instruments of oppression and persecution. The power of Congress to punish for contempts, if such a power exists at all, is not expressly conferred, but is incidental, and arises *ex necessitate rei*. Where is the clause in the constitution making the grant and defining a contempt? Sir, it is a constructive and incidental power. The powers and privileges of Congress are not, like those of the British Parliament, unlimited, undefined, and omnipotent; on the contrary, they are abridged and specific. Our courts of justice have the power to punish for contempts; but it is not a constructive power, arising out of the mere act that established them, but was conferred by a statute, restraining in its character, in 1789. The common law does not invest the federal courts with this power, nor can we derive it from the com-

mon law. As a system, the common law does not constitute any part of the law of the United States, according to the highest courts of the country; an opinion, too, upon which Congress has uniformly legislated. No department of Government can therefore derive any such authority from it. In 1831, after the memorable trial of Judge Peck, of Missouri, Congress deemed it necessary to define, by law, the nature of contempts of court.

Mr. TURRILL said, as the question which was about to be decided was a very important one, affecting the personal liberty of an American citizen, he rose for the purpose of asking for the yeas and nays, that he might have an opportunity of recording his vote against it; and, sir, (said Mr. T.,) while I am up, I will state some of the reasons for the vote I am about to give. I cannot remain silent; I should be guilty of a gross violation of my duty as a Representative on this floor, were I to sit by and see a citizen, however humble his condition, deprived of his liberty under the circumstances of this case, and not enter my protest against it.

What, I would ask, (said Mr. T.,) is the resolution under consideration? What does it propose to do? Sir, it directs the Speaker to issue his warrant to the Sergeant-at-arms, requiring him to take an humble citizen from his own fireside, from the bosom of his family, drag him, as a culprit, through the streets of this city, and as such hold him up at the bar of this House to the gaze of the nation—and for what? Yes, sir; for what, I would ask, (said Mr. T.,) is a private citizen to be thus dragged from his home? Why are his feelings and the feelings of his family to be outraged? Because, sir, he refuses, for reasons contained in his letter to the committee, to appear and give evidence. To his mind, at least, the reasons are sufficient to justify the course he has taken. From the papers on your table, Mr. Speaker, it appears that this individual, who is about to be taken into custody for an alleged contempt, complains that, while he was giving testimony before a committee of this House, in obedience to a summons, he was grossly insulted, and an outrageous assault was made upon his person by two members of that committee. It also appears, from the papers submitted to the House, that this witness has been waiting at the doors of this hall for a week or ten days, seeking an opportunity to present his petition to the House, asking an inquiry into the facts and circumstances connected with the assault thus made upon him, and praying the House to take measures to protect him from similar assaults in future; but during that time he has not been able to lay his memorial before the House.

Sir, (said Mr. T.,) I take a different view of this case from some gentlemen who have spoken upon it; they seem to think the witness has been guilty of a technical contempt, in refusing to appear before the committee, and that we cannot now inquire into the reasons assigned by him for not obeying the summons. We

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must wait, say they, until he is brought to the bar of the House; until he gives his reasons here, when arraigned to answer to the alleged contempt. Sir, (said Mr. T.,) I cannot subscribe to this doctrine.

In the same letter, in which the witness refuses to appear before the committee, he gives the reasons why he cannot obey its summons. Those reasons are before us; and if, in our opinion, they are sufficient, he stands justified, and we have no right to bring him here to answer to a technical or an alleged contempt. Suppose (said Mr. T.) that the witness had returned for answer that he was confined to his bed by sickness, or that his wife or child was at the point of death, and he could not obey the summons; would you say that there had been a technical contempt? that you would not now pass upon the reasons given by the witness? Would you direct the Speaker to issue his warrant, requiring the Sergeant-at-arms to bring the witness from his sick bed, or from the dying couch of those most dear to him, to give his reasons here? Certainly not, sir. The House would say at once, without hesitation, that the reasons were sufficient, and that no contempt whatever had been committed.

In the case under consideration, the witness informs the House that he cannot, in his opinion, obey the summons, without subjecting himself to gross personal insult; that he cannot do it without even putting his life in jeopardy; and he states the facts and circumstances upon which that opinion is based. He invokes an inquiry into the accuracy of his statements. Now, sir, (said Mr. T.,) I, for one, have no hesitation in saying that, if all Whitney states in his communications be true, he was perfectly justifiable in refusing to appear before that or any other committee of this House, until the House itself shall, by some act on its part, show a fixed determination to maintain its own dignity, by extending the most ample protection to witnesses summoned to give testimony before its committees. The whole American people will justify him. Every individual in the nation will commend him for the course he has taken.

Mr. THOMSON, of Ohio, called for the yeas and nays on the adoption of the resolution; which were ordered.

The House was further addressed by Messrs. THOMSON of Ohio, GARLAND of Louisiana, HARDIN, WISE, PEYTON, ASHLEY, and JENIFER.

Mr. GUNSON addressed the Chair as follows:

Mr. Speaker: I am aware that there exists a variety of opinions as to the power of this House to punish acts not interrupting the proceedings of the House nor committed in its presence, as contempts. This resolution assumes the facts that a contempt had been committed, and that the House possesses the power to punish it; and it is now proposed that, without further inquiry, we shall deprive a citizen of his liberty, and direct our Sergeant-at-arms to seize and hold him in custody. I do

not believe this House possesses any such power.

Mr. Speaker, I am of opinion that the report of the committee, upon which this proceeding is founded, is based upon the letter of Mr. Whitney, given to the House by the committee; and, as such, the House must, in coming to a conclusion, take into consideration the letter of Whitney, and the reasons given in that letter for his refusal to appear before the committee. Mr. Speaker, I am one of those who deny the power of this House to punish for constructive contempts. I, sir, do not believe there is any power given to this House, by the constitution, to punish a citizen of this country for a constructive contempt growing out of his refusal to appear before a committee of this House, standing as the present witness does towards the chairman of that committee. Sir, there is no law giving authority to place an American citizen under duress under such circumstances; and I, sir, for one, never can give my consent to see authority exercised by this House that I do not believe it possesses. But it is said the exercise of this authority is necessary to the preservation of our rights. Sir, I think such a preservation of our rights as this promises, ere long, to take from us the rights we now have. Gentlemen talk of the rights and dignity of this House, and say they must be respected. I say to them that we, as the representatives of the people, come here with delegated powers, and are bound to keep within the pale of the constitution, which constitution is the palladium of our rights and liberties, and gives this House no power to place an American citizen in the custody of our Sergeant-at-arms for a constructive contempt. Sir, after the proceeding of this House in relation to the honorable gentleman from Massachusetts, and his petition from thirty-two slaves, what is this House to consider a contempt?

Sir, it is contemptuously asked by honorable gentlemen on this floor, who is the contemptuous Reuben M. Whitney? I answer, that I know him only as an American citizen; and, as such, entitled to all the privileges and immunities of the constitution. I ask gentlemen, in return, from what source do they derive the power to place him in custody? I tell gentlemen, at the outset, that precedents from the British Parliament cannot be received by me as authority for the arrest of an American citizen. I, sir, have the honor to represent in part the highly honorable, democratic, and patriotic people of Mississippi; a people who, from the democratic character of their institutions, are known to be tenacious of their rights; and I cannot, as their representative, sit idly here and see one known to possess the high and exalted privileges of an American citizen arrested by order of this House, brought as a prisoner to answer at the bar, without attempting to arrest the course of usurpation, and exercise of such usurped power, on the part of this House, over the rights of the people.

Sir, the doctrine contained in the parliamentary annals of Great Britain, and given in the precedents of the House of Commons, is utterly repugnant to the spirit and genius of our republican institutions. The English law of privilege, and the power of the British parliament to punish for contempts, is undefined, unlimited, and unknown to the subject except as particular cases occur, in which Parliament, in their omnipotent discretion, choose to exercise it. Thus it is that the infliction of punishment is the first evidence of the existence of the rule under which it is inflicted.

Mr. Speaker, let us inquire for a moment into the circumstances under which it is proposed to bring Mr. Whitney before this House.

Sir, by the very terms of the resolution under which we are to act, it is for an alleged contempt, and that allegation sustained only by construction. Sir, the honorable chairman of the committee before whom Mr. Whitney has refused to appear, and for which refusal this proceeding is instituted, has, according to his reported speech, made on this floor, asserted that he would, on a certain occasion, and that, too, whilst he was acting as a member of a committee appointed by the order of this House, and at a time this witness, Whitney, was before that committee as a witness, and whilst this honorable chairman was acting in a judicial capacity, have taken the life of this witness if he had moved his hand. Yes, sir, if he had moved his arm one inch, even in his own defence, the honorable chairman of this committee informs us that he would have taken his life; and that in defence of his friend, the honorable gentleman from Tennessee, who, he states, was rushing upon Whitney.

[Here Mr. Wise explained.]

Mr. Speaker, the honorable gentleman's explanation amounts to the same thing that I had stated; he admits that his friend, the honorable gentleman from Tennessee, was advancing upon Whitney, whilst Whitney was before the committee as a witness. Sir, I am not to be deterred by the honorable gentleman's implied threat, nor by his imputation and "insinuation" that I had misquoted him.

[The SPEAKER had not understood the honorable gentleman from Virginia to make any threat, or he would have interposed; and that the gentleman from Mississippi must not make personal allusions.]

Mr. Speaker, I shall, in arguing this question, pursue the same course that other gentlemen have pursued on this floor. I assure the honorable gentleman from Virginia, that if he expects to intimidate me, he has mistaken his man. I shall pursue my own course, without regard to his implied threat. Then, sir, what is the distinguishing difference in the statement first given, and the one now given by the honorable gentleman who is chairman, and before whom Whitney refuses to appear? In either event, the life of Whitney was to be taken, even if he defended himself against the honorable

gentleman from Tennessee; and it is for this that gentlemen say he has been guilty of a contempt of this House. Sir, I am not prepared to force a witness before a committee, when the chairman of that committee stands in such relation towards the witness as the honorable chairman does in this instance. Then, I ask, is it a contempt of this House for a witness to refuse to appear before a committee of this House under such circumstances; and has this House the power, and will we be acting in accordance with the authority vested in us by the constitution, to have the witness brought to the bar of this House to answer for such refusal? I certainly think, upon examination, it will be found that this House possesses no such power.

Mr. McKEON said that, intending to vote in the negative on the question which had been submitted to the consideration of the House, he was aware that he thereby would subject himself to the censures (if such they might be called) of his friend from Maryland (Mr. JENIFER) who had just taken his seat. He (Mr. McK.) saw in the case before him not that of Reuben M. Whitney. He passed by Mr. Whitney. He viewed the matter in a broader light. He saw in it the proposal to arrest an American citizen. It involved the decision of a principle which would be capable of striking down not only the humblest but the highest in the nation. It called into action the exercise of a power which was to be felt not only within the circle of this District, but from Maine to Louisiana, wherever the jurisdiction of this confederacy might operate. It carried with it the means of dragging any man from his home, his family, his business, to answer the behest of a majority of this House. I ask gentlemen (said Mr. McK.) whether the individual who is now before us is not, so far as the knowledge of this House is concerned, a private citizen? So far as we yet know, he has no connection with your departments. I ask the gentleman from Maryland whether the person alluded to is not a private citizen, covered by our laws, and protected by our constitution. I understand my friend to yield his assent to this point. Well, sir, under your constitution, his liberty, his life, his property, his papers, are secured; and yet, under the power claimed during this debate, and proposed to be exercised, what security had he, or any other man, against an invasion of his rights? Opposed, as I have ever been, to the doctrine of contempts, I would ask gentlemen what must be the consequences of their insisting on this right?

Suppose, sir, your committee had sent its mandate to one of my constituents, whose business would not allow him, without sacrifice, to obey the command, he would naturally ask under what law he was bound to obey. I may be told that he would be guilty of contempt, at least of constructive contempt of the House, by refusing to obey the summons. Sir, I told you, when your committee was formed, that in many cases it would be powerless. That committee

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never could have a contempt committed against it by refusal to obey its orders. Your rules say that subpoenas and warrants shall be under the Speaker's hand. We are told that the subpoena, in this case, was under the hand of the chairman of your Select Committee. But, again, it is insisted that you have given the power to send for persons and papers. By what authority can this House delegate its power, if such it has, to any portion of this body. The House itself only holds its own powers by delegation. No, sir; there could be no contempt by a refusal to obey this summons. I know I shall astonish the member who has just addressed you when I assert that I have no doubt of the want of power of the committee in this matter; and I very much doubt the power of this House, at least without the sanction of a law, to drag an individual before our bar for a contempt of this nature. Issue your warrant, and deliver it to your Sergeant-at-arms; if its execution is resisted, can he call, as a ministerial officer of a court, for assistance? I should think not. You have no guards to enforce your order, and it will be inoperative. The system of privileges and contempts has grown up in this country by assimilating the powers of this House to those of the British House of Commons. A system has been claimed and exercised in England under what is known as parliamentary law. Its encroachments have been silently, but steadily, made upon the mass of the people, until precedents of the most appalling character can be found. The analogy in the cases of contempt does not hold good. This House, as a portion of the Government, obtains its power from the constitution. In that instrument the privileges of the members of this House are defined, and the rights of this House are pointed out clearly and distinctly.

I regret, sir, the allusion made to the President. Why is his name brought into this discussion? This is not a case which any party should endeavor to make use of for any purpose. We are establishing a precedent—a precedent which, if it reaches some one without these walls to-day, will hereafter be brought to bear, perhaps, upon some of us. It is a question involving the most momentous consequences, and reaches to every man in the country, no matter to what party he may be attached. The President's letter, referred to by the gentleman from Maryland, will speak for itself, and justice be awarded to its author by an intelligent people. He seeks no concealment. If he has resisted an attempt to invade the private affairs of our citizens, he deserves the thanks of the country. Sir, I will detain the House no longer. No man will go further than I will to defend the rights and privileges of this House; but I never will advance over the prostrated rights of the people. When gentlemen talk of the rights and privileges of this House, I must be heard in defence of those rights and privileges of the people which, in my opinion, are of paramount consequence. I never will,

as a member of this House, arrogate powers which shall be dangerous to public and private security. I never will call into action powers at best doubtful, and which can only be exercised by invading the rights and privileges of the American people.

Mr. ADAMS then asked to be excused from voting, for the following reasons, which were sent in writing to the Chair:

Mr. ADAMS requested to be excused from voting upon this and every other question of privilege affecting Reuben M. Whitney—the personal relations between him and that individual having long been such as to make it the duty of Mr. ADAMS to decline acting as his judge upon any question affecting his personal rights.

Mr. ADAMS asked that this statement might be entered on the journal; to which the SPEAKER replied that it would, as a matter of course, be entered on the journal.

And the question was then taken on the adoption of the modified resolution of Mr. LINCOLN, and decided in the affirmative—yeas 100, nays 85.

So the preamble and resolution were adopted.

SATURDAY, February 11.

On motion of Mr. MERCER, so much of the journal was stricken out as contained the reasons assigned by Mr. ADAMS yesterday for asking to be excused from voting on any resolution involving the personal rights of Mr. Reuben M. Whitney, and which reasons had been entered on the journal.

Election of President of the United States.

Mr. THOMAS, from the joint committee appointed to wait on Martin Van Buren, of New York, and inform him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1837, reported: That the committee, in conformity with the directions of the House, had, on yesterday, waited on the President elect, and informed him that the votes for President of the United States had been counted by the two Houses of Congress, in the manner prescribed by the constitution; that he had received a majority of all the votes given, and was duly elected President of the United States for four years, commencing on the 4th day of March, 1837.

Mr. Van Buren expressed, in reply, his grateful sense of the distinguished honor which his fellow-citizens had conferred upon him, and requested us to assure our respective Houses that they might rely on his unceasing efforts to execute the responsible trust about to devolve upon him, in a manner the most conducive to the public interest.

On motion of Mr. THOMAS, the report was laid on the table, and ordered to be printed.

Right of Petition.

Mr. TAYLOR asked the consent of the House

to offer the following resolution; which was read:

Whereas the vote of the House, taken on the 9th of February, the following resolution, viz "Resolved, That any member who shall hereafter present to the House any petition from the slaves in this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union;" may be construed into an expression of opinion upon the abstract question of the right of slaves to petition Congress; therefore,

Resolved, That slaves do not possess the right of petition secured to the people of the United States by the constitution.

[An extended debate took place on these resolutions, in which Messrs. Ingersoll, Taylor, Pinckney, Cambreleng, Mann of New York, Patton, Chambers of Kentucky, Ashley, Lewis, Lane, Parker, Underwood, Gideon Lee, Pickens, Anthony, Sutherland, Bynum, Bouldin, Waddy Thompson, Howard, Harrison of Missouri, Adams, Granger, Vanderpoel, Cave Johnson, and Haley, took part. Finally—]

A division of the question having been ordered, the first resolution, as modified, was then taken up, as follows:

"An inquiry having been made, by an honorable gentleman from Massachusetts, whether a paper, which he held in his hand, purporting to be a petition from certain slaves, and declaring themselves slaves, came within the order of the House of the 18th of January, and the said paper not having been received by the Speaker, he stated that, in a case so extraordinary and novel, he would take the advice and counsel of the House.

"*Resolved*, That this House cannot receive the said petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the Constitution of the United States."

The question being taken thereon, it was adopted, by a vote of yeas 160, nays 35.

The second resolution was then taken up, as follows:

"*Resolved*, That slaves do not possess the right of petition secured to the people of the United States by the constitution."

Mr. HALEY moved to lay it on the table. Lost, without a division.

The question was then taken on the adoption of the resolution, and decided as follows:

YEAS.—Messrs. Alford, Chilton Allan, Ash, Ashley, Bean, Bell, Black, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Bunch, Burns, Bynum, J. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, G. Chambers, J. Chambers, Chaney, Chapman, Chapin, Childs, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crary, Cushing, Cushman, Dawson, Deberry, Doubleday, Dromgoole, Dunlap, Elmore, Fairfield, Farlin, Fowler, French, Fry, Galbraith, J. Garland, R. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Graves, J. Hall, Hamer, Hannegan, Hardin, Harlan, Harper, A. G. Harrison, Hawkins, Haynes, Herod, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Huntington,

Huntsman, Jarvis, Jenifer, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Lay, G. Lee, J. Lee, T. Lee, L. Lea, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, A. Mann, J. Mann, Martin, W. Mason, M. Mason, S. Mason, Maury, McComas, McKay, McKeon, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, F. Pierce, James A. Pearce, Pearson, Pettigrew, Peyton, Phelps, Pinckney, Rencher, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, W. B. Sheppard, A. H. Sheperd, Shields, Shinn, Sickles, Spangler, Standefer, Taliaferro, Taylor, Thomas, J. Thomson, W. Thompson, Turrill, Underwood, Vanderpoel, Wagener, Ward, Webster, Weeks, White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, Yell, Young—162.

NAYS.—Messrs. Adams, Heman Allen, Beaumont, Borden, Darlington, Denny, Haley, Hazeltine, Ingersoll, W. Jackson, James, Love, Parker, Phillips, Potts, Russell, Slade, Sloane—18.

So the second resolution was adopted.

[When the name of Mr. Wise was called, that gentleman rose in his place and declined to vote, for the reason that he held that Congress had no power to interfere, in any way, with the subject of slavery.]

Case of R. M. Whitney.

The SPEAKER informed the House that the Sergeant-at-arms, in obedience to the order of the House and the warrant of the Speaker, had arrested Reuben M. Whitney, who was then in custody, and waiting the order of the House.

Mr. CALHOON, of Kentucky, submitted the following resolution; which was considered and adopted:

Resolved, That R. M. Whitney, now in the hands of the Sergeant-at-arms, be brought to the bar of this House, to answer for an alleged contempt of the House, in peremptorily refusing to appear and give evidence as a witness on a summons duly issued by a select committee, acting by the authority of this House, under a resolution of the 17th of January last, in the matter of a letter, expressing said refusal, addressed by the said R. M. Whitney to the committee, and by the committee referred to the House; and that he be forthwith furnished with a copy of the report of said committee and of the letter aforesaid.

The House then adjourned.

MONDAY, February 13.

Case of R. M. Whitney.

The SPEAKER announced that Reuben M. Whitney, now in custody for an alleged contempt of the authority of the House, was without the bar, waiting the further pleasure of the House.

The Chair also stated that the accused had been furnished with copies of the papers referred to in the resolution adopted on Saturday last.

Mr. PATTON moved that the Sergeant-at-arms

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be directed to bring the prisoner to the bar of the House; which motion prevailed.

The accused having been placed at the bar, the SPEAKER addressed him as follows:

"Reuben M. Whitney: You have been brought before the House, by its order, to answer the charge of an alleged contempt of this House, in having peremptorily refused to give evidence in obedience to a summons duly issued by a committee of this House, which committee had, by an order of the House, power to send for persons and papers.

"Before you are called upon to answer in any manner to the subject-matter of this charge, it is my duty, as the presiding officer of this House, to inform you that, by an order of the House, you will be allowed counsel, should you desire it. If you have any request to make in relation to this subject, your request will now be received and considered by the House. If, however, you are now ready to proceed in the investigation of the charge, you will state it, and the House will take order accordingly."

To which the accused replied, that he held in his hand a paper in relation to the charge, which he respectfully requested might be received and read.

The following paper was then read:

"The undersigned answers that his refusal to attend the committee, upon the summons of its chairman, was not intended or believed by him to be disrespectful to the honorable the House of Representatives, nor does he now believe that he thereby committed a contempt of the House.

"His reason for refusing to attend the committee are truly stated in his letter to that committee.

"He did not consider himself bound to obey a summons issued by the chairman of the committee.

"He had attended, in obedience to such a summons, before another committee, voluntarily, and without objections to the validity of the process; and would have attended in the same way before the present committee, but for the belief that he might thereby be exposed to insult and violence.

"He denies, therefore, that he has committed a contempt of the House, because—

"First. The process upon him was illegal, and he was not bound to obey it. And

"Secondly. Because he could not attend without exposing himself thereby to outrage and violence.

"If the House shall decide in favor of the authority of the process, and that the respondent is bound to obey it, then he respectfully asks, in such case, that, in consideration of the peculiar circumstances in which he is placed, as known to the House, the committee may be instructed to receive his testimony upon interrogatories to be answered on oath before a magistrate, as has been done in other instances in relation to other witnesses; or that the committee be instructed to prohibit the use or introduction of secret and deadly weapons in the committee room during the examination of the witnesses.

"And in case he shall think it necessary, he prays to be heard by counsel, and to be allowed to offer testimony on the matters herein submitted.

"R. M. WHITNEY."

Mr. GHOLSON offered the following resolution:

Resolved, That Reuben M. Whitney be now permitted to examine witnesses before this House, in relation to his alleged contempt.

[A debate then took place, chiefly on points of order and the mode of proceeding, in which Messrs. Haynes, Lincoln, Gholson, Mercer, Patton, Bouldin, McKay, Hoar, Huntsman, Mann of New York, Mason of Ohio, Vanderpoel, Lane, Calhoun, and Bell, took part.]

Mr. MANN, of New York, moved to amend Mr. GHOLSON's resolution, by adding the following:

"And that a committee of five be appointed by the Speaker, to examine such witnesses on the part of the House."

Mr. GHOLSON accepted the modification.

The question then recurring on the original resolution,

Mr. PARKS said that he, as well as the gentleman from Indiana, was opposed to bringing this individual before the House; but, as he was brought there, they owed it to the gentleman himself, and to the House, that he have a hearing. The motion pending was, that a committee of five be appointed to examine witnesses on the part of the House; and for the purpose of settling the question, and of ascertaining whether they would lay it aside, or go on with it, he moved the previous question.

Mr. GHOLSON appealed to Mr. PARKS to withdraw the motion for a moment; which he did; when Mr. G. accepted of the amendment of Mr. CHAPIN; and

Mr. PARKS then renewed the motion for the previous question; which was seconded by the House—yeas 97, nays 33; and the main question having been ordered, was put, and carried, without a division.

So the resolution, as modified, was agreed to by the House.

The SPEAKER then announced the committee; and Mr. Whitney was again brought in, the order read to him, and he put in a list of witnesses he requested to be summoned.

Mr. HARRISON, of Missouri, moved a reconsideration of the vote by which the resolution in relation to Mr. Whitney was adopted; but the motion was negatived—yeas 92, nays 95.

The respondent was then removed from the bar, and the House proceeded to the consideration of other business.

WEDNESDAY, February 15.

Case of R. M. Whitney.

Mr. Whitney having been placed at the bar, and stated his readiness to proceed at once to trial,

The SPEAKER then addressed the respondent,

and informed him that, by an order of the House, he was then permitted to examine witnesses before the House, in relation to the alleged contempt against him, and that he could then proceed to do so. The Speaker further informed him that the witnesses he had named had been summoned.

Mr. Key, one of the counsel of the accused, asked that the witnesses be now sworn.

Mr. SUTHERLAND objected to the swearing of Mr. Lewis and Mr. Sullivan at that time, because he understood they would be brought forward to testify as to the character of the accused, and that question had not yet come up.

The witnesses who were members of the House, as before stated, were then sworn, and the swearing of the other gentlemen deferred for the present.

The honorable Mr. FAIRFIELD was then called, and the following question propounded to him by Mr. Key:

Please state all the circumstances attending the dispute and disorder that occurred before the select committee, whereof Mr. GARLAND is chairman, on Wednesday, the 25th of January, and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and PEYTON as members of the committee, and all that occurred on that occasion.

Mr. FAIRFIELD then sent to the Clerk's table the following answer to the first interrogatory:

At the commencement of the affair alluded to in the question, the different members of the committee were situated as follows, as near as I can recollect: Mr. Whitney sat at a small table in a corner of the room, near the fireplace; Mr. Peyton, Mr. Garland, Mr. Hamer, and Mr. Gillet, sat at a long table, placed transversely in front of the fire, Mr. Hamer at the end nearest Mr. Whitney, Mr. Gillet at the opposite end, and Mr. Garland and Mr. Peyton in front, the latter nearest to Mr. Whitney, and with his back turned, or partially so, towards him—one proposing interrogatories, and the other answering, in writing; the questions and answers being handed to the chairman, and by him read to the committee. Mr. Wise, Mr. Martin, and myself, were sitting upon a sofa at the side of the fireplace opposite Mr. Whitney. Mr. Pierce and Mr. Johnson were not present.

When the chairman read the answer of Mr. Whitney to the interrogatory of Mr. Peyton, both of which have been published, the latter turned towards Mr. Garland, without rising from his seat, and said, "Mr. Chairman, I wish you to inform this witness that he is not to insult me in his answers; if he does, God damn him, I will take his life upon the spot." He then rose and turned towards Mr. Whitney, and said, "I want you to understand, sir, that I claim no protection from the constitution; and if you insult me, you damned dog, I will take your life." Mr. Wise rose, and advanced to the side of Mr. Peyton, and, addressing him-

self to Mr. Whitney, said, "Yes, this damned insolence is insufferable." Mr. Garland and other members of the committee were, during this time, endeavoring to preserve order and to prevent an affray. Mr. Peyton turned from Mr. Whitney, and, standing with his back to the fire, said, by way of soliloquy, or without addressing himself to any one in particular, "Hitherto I have treated him with marked respect—damn him—I have treated him just as if he had been a gentleman; to be thus insulted by a damned thief and robber! damn him, he shan't do it." While uttering the last words of this sentence, he became, apparently, more excited, and turned towards Mr. Whitney, who rose and said he claimed the protection of the committee while he was before it, when Mr. Peyton said, "God damn you, you shan't speak—you shan't say a word while you are in this room; if you do, I will put you to death," and made towards him, at the same time putting his hand in his bosom. Mr. Wise, who had previously gone round the long table, and placed himself near Mr. Whitney, here interposed; and he, with Mr. Garland, who was standing between Mr. Peyton and Mr. Whitney, and Mr. Martin, who was by his side, endeavored to calm him, and to prevent his going towards Mr. Whitney. Mr. Wise said, "Don't, Peyton; damn him, he is not worth your notice," or words to that effect. Judge Martin here moved that the examination of the witness be suspended. Mr. Hamer opposed it; and, addressing himself to the chairman, went on to make some remarks, but I do not distinctly recollect them.

Mr. Peyton then resumed his seat, but soon turned towards Mr. Whitney, and said, "Damn him, his eyes are on me. God damn him, he is looking at me—he shan't do it—damn him, he shan't look at me." Mr. Hamer made some further remarks, when Mr. Garland suggested that the witness should retire to another room; which he did. Mr. Peyton then apologized to the committee, and Mr. Hamer offered the resolution which has been published; on the passage of which, Mr. Whitney was recalled, and the resolution was communicated to him by the chairman. Mr. Whitney said, that if he had done any thing which the committee considered disrespectful, he regretted it, and apologized for it. Another interrogatory was proposed to him, which he answered; and then the committee rose.

Second question by Counsel. What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer. With the exception of the answer in writing of Mr. Whitney, which was the subject of a resolution introduced by Mr. Hamer, and adopted by the committee, I saw nothing of any indecorum or disrespect on his part, to the committee, or any member of it; nor did

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I, at any time, except as above, and prior to the affair alluded to, hear any complaint on the part of any member of the committee.

Third question by Counsel. Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did or did not manifest, by deed, word, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner as may go to show whether he meditated assault, or stood on the defensive merely.

Answer to the third interrogatory. So far as I saw or heard, upon the occasion alluded to, the conduct of Mr. Whitney was cool, collected, and forbearing. I heard him say nothing but what I have stated in my answer to the first interrogatory. In regard to the extent of what I saw, it is proper to add that, during nearly the whole time, several gentlemen were standing or moving between myself and Mr. Whitney. My attention, also, was principally confined to Mr. Peyton. I cannot say that Mr. Whitney did not assume any attitude of assault towards Mr. Peyton; but I can say that, if he did, I did not see it.

First question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer. Mr. Wise did interfere, as I have stated in my first answer; he laid his hand upon Mr. Peyton's breast, and endeavored to prevent any collision between him and Mr. Whitney. I do not, however, recollect that he pushed him back.

Second question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? And did not Mr. Wise, at the same time, declare that his object was to prevent collision between the parties?

Answer. I answer affirmatively to the whole question.

Third question by Mr. CALHOON, of Kentucky. Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than to say to him that R. M. Whitney was not worth his notice?

Answer. Mr. Wise did no more than what I have described in my first answer. His object in going round the long table, and taking his stand near Mr. Whitney, I only know from his (Mr. Wise's) statement made in this House. I

did not, at the time, regard it as assuming an attitude of attack upon Mr. Whitney.

Fourth question by Mr. CALHOON, of Kentucky.

Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred? And did not his examination occupy much more time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer. I answer affirmatively to the whole question, except as to the order of time in which the questions were proposed to Mr. Whitney. In regard to that I do not recollect distinctly.

Fifth question by Mr. CALHOON, of Kentucky. Had you or had you not seen Mr. Whitney's card in the Globe of the 5th of January last, which is as follows:

"A CARD.—During the last session of Congress, it became necessary for me to expose H. A. Wise of having stated, in the hall of the House, a base falsehood in relation to myself.

"In the Globe of this morning it is reported that Balie Peyton, the Siamese companion of Wise, for twelve months past, in uttering falsehood and slander, said that, 'in consequence of the character of the agent alluded to, Mr. Taney, the former Secretary of the Treasury, would not recommend him as an agent of the deposit banks.' No one can mistake that it is myself alluded to by Mr. P.

"I challenge Mr. Peyton to adduce a single particle of proof to sustain the above assertion; and, for having made it without proof, I pronounce him a calumniator, and guilty of uttering a base falsehood; this, too, like Wise, while shielded by his constitutional privilege.

"If any one who does not know me wishes to ascertain my character, I refer them to citizens of those places in which I have passed many years of my life.

"R. M. WHITNEY.

"Wednesday, 4th January, 1837."

And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? And did not the answer to the question which preceded the difficulty involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer. I had seen the card of Mr. Whitney, alluded to, and believe, from a remark I heard Mr. Peyton make in the committee room, that he also had seen it. The question referred to, as proposed by Mr. Peyton, I did regard as involving the truth of the charges which called out the card of Mr. Whitney.

First question by Mr. INGERSOLL. What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer. I do not know that Mr. Peyton interposed at all, as I understand that word. I

cannot, therefore, answer the question as to the language used by Mr. Whitney.

Second question by Mr. INGERSOLL. What language did R. M. Whitney use immediately before the witness says "Mr. Peyton rose and addressed the chairman?"

Answer. If the question refers to what was said, my answer is, that Mr. Whitney said nothing that I recollect. If it refers to the written answer of Mr. Whitney, I cannot answer it without referring to the journal of the committee. It has, however, been correctly published.

Question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee for the first remark made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. I recollect that Mr. Peyton took his seat, but cannot say whether it was when called to order by the chairman. I do not recollect of Mr. Whitney's rising but once prior to his withdrawing; and that, according to my present recollection, was before the time alluded to in this question.

First question by Committee. Was or was not the deportment of Mr. Peyton that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remarks and conduct?

Answer. Mr. Peyton, as I have before stated, treated Mr. Whitney with respect prior to the time of this difficulty. After the answer of Mr. Whitney was read by the chairman, Mr. Peyton was very much excited, and at one time, certainly, appeared to be disposed to punish Mr. Whitney for his alleged insult.

Second question by Committee. What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set them forth, to be received in connection with, and as part of, your answer to said interrogatory?

[Time given to witness to answer the foregoing second question of Committee.]

Second question of Mr. BELL. When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from Reuben M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with his left foot advanced?

Answer. I do not recollect when Mr. Peyton rose the second time, but think it was not until Mr. Whitney retired, or about that time. When Mr. Peyton put his hand to his bosom, he had just turned from a standing posture, as I have described in my answer to the first interrogatory. I doubt whether at that time I could see Mr. Whitney's right hand; but if I

could, I do not recollect of seeing it in the position described by the question. My answer is the same with regard to Mr. Whitney's left foot.

Third question of Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer. At the time the answer of Mr. Whitney was handed to the chairman, I sat nearly opposite Mr. Whitney, with nothing interposing. My attention, however, was fastened almost entirely upon Mr. Peyton.

Fourth question of Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. I do not recollect that he did.

Fifth question of Mr. BELL. If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer. He had.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before, and how many after, the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before the said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence.

Answer. That part of the question relating to the number of interrogatories, and the time when they were proposed, I will answer after I have had an opportunity to refer to the journal of the committee. I did not apprehend insult or personal violence to Mr. Whitney, on the part of Mr. Peyton or Mr. Wise, when the former reappeared in the committee room. Mr. Peyton's excitement had then subsided. I have already stated that, prior and subsequent to this occurrence, Mr. Wise and Mr. Peyton treated Mr. Whitney respectfully in the committee room.

Seventh question of Mr. BELL. Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? And was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer. There is such a rule; but I do not recollect the remark of Mr. Peyton supposed in the question.

Eighth question of Mr. BELL. Had or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inquis-

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itorial, which questions had been decided by the committee as proper to be propounded?

Answer. Mr. Whitney had refused to answer many questions proposed by Mr. Peyton, characterizing them as inquisitorial. Though the committee permitted these questions to be put, I understood that the committee reserved the question as to the obligation of the witness to answer them, in case he did not choose voluntarily to do so.

The Sergeant-at-arms was then directed to conduct Mr. Whitney from the bar.

THURSDAY, February 16.

Case of R. M. Whitney.

Mr. Whitney being placed at the bar of the House, the examination of the honorable Mr. FAIRFIELD was continued.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before and how many after the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence.

Answer. Prior to the difficulty alluded to in the question, Mr. Whitney had appeared before the committee, January, 12th, 13th, and 14th, when fourteen interrogatories were propounded to him, principally by Mr. Peyton. On the 25th, ten interrogatories were propounded, the eighth being the one which called forth the offensive answer. He appeared before the committee again on the 26th of January, when thirty-eight interrogatories were propounded, all by Mr. Peyton but one.

Mr. GHOULSON's second question in behalf of the committee. What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set this forth, to be received in connection with, and as part of, your answer to said interrogatory?

Answer. The question and answer alluded to were as follows, viz: "Did you receive any letter of recommendation from R. B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?"

"Answer. I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he,' &c., therefore,

being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof."

The vote of the committee was, "that the foregoing answer to the 15th question be returned to the witness, being no reply to the interrogatory and disrespectful to a member of the committee."

Ninth question of Mr. BELL. Did not the resolution of the committee, returning the answer of the witness (Whitney) as disrespectful to a member of the committee, pass without a dissenting voice?

Answer. It did.

Tenth question of Mr. BELL. Look upon the journal of the committee, at page 84, and say on what day the 15th interrogatory was propounded. Did not said witness (Whitney) return and continue his examination, as has been stated in your answer just given? Look upon the journal at page 103, and state whether said witness did not voluntarily return and file written communications, as set forth in pages from 99 to 102, inclusive, as follows, namely: [Here follows a correspondence between R. M. Whitney, J. C. Wilkins, J. D. Beers, and John Tillson, jr.] State whether Mr. Peyton did not propound to said witness two other interrogatories at page 103, and receive answers as therein set forth, in addition to the questions and answers alluded to in your last answers.

Answer. The fifteenth interrogatory was propounded January 25th. Mr. Whitney returned, and the examination was continued, as I have before stated. Mr. Whitney also voluntarily returned and filed the communications, as set forth in pages from 99 to 102, inclusive, as supposed in the question. Two other questions were proposed at this time by Mr. Peyton, as set forth in page 103 of the journal of the committee. They were accidentally omitted by me in my former answer, not having received the printed journal beyond the 96th page.

Eleventh question of Mr. BELL. Did Mr. Peyton take any exception to that part of his answer which alleges an insinuation in interrogatories Nos. 40 and 42, propounded by him?

Answer. Not to my recollection.

Twelfth question of Mr. BELL. Please examine the interrogatories propounded by Mr. Peyton to the witness, (Whitney,) and the answers thereto, commencing with No. 1, and including the following numbers designated by a cross on the copy of the journal of the committee herewith furnished, and say if the course of the witness was not considered disrespectful to the committee, and especially to Mr. Peyton.

Answer. I did not consider the answers of Mr. Whitney, alluded to, as disrespectful either to the committee or Mr. Peyton, inasmuch as my opinion has been, from the beginning, that he was under no legal obligation to answer the interrogatories, or most of them; and as I consider the term "inquisitorial" to be used in a

technical sense, and not with a disposition to be uncourteous to the committee, or any member of it.

Thirteenth question of Mr. BELL. Did not Chief Justice Taney, in his evidence before the committee, disprove the allegation of the witness in his letter to Mr. Duane, late Secretary of the Treasury, so far as relates to his having, at any time, recommended him (Whitney) as a fit person to be an agent of the deposit banks or of the Treasury?

Answer. Chief Justice Taney's evidence is not before me, and, if it were, it might perhaps be questioned whether it was competent for me to say what degree of evidence amounts to proof. For a further answer of the question, I refer to the letter of Mr. Whitney, and the answers of Mr. Taney, alluded to in the question, both of which are in the possession of the committee.

Fourteenth question of Mr. BELL. How far was Mr. Peyton sitting from the witness (Whitney) at the time of the commencement of the occurrence to which you have alluded? State, also, whether Mr. Peyton was not sitting nearer to the witness than any other member of the committee. State, also, whether Mr. Peyton was not standing still at the time he had his hand in his bosom, and when Mr. Wise approached him.

Answer. At the commencement of the occurrence alluded to, Mr. Peyton was sitting within a few feet of Mr. Whitney, say three to six feet, and was nearer Mr. Whitney than any other member of the committee. I think Mr. Peyton was not standing still at the time named in the question, but was endeavoring to advance, and was resisted in so doing principally by Mr. Wise.

Fifteenth question of Mr. BELL. Have you, or any other person, to your knowledge, had any conversation with the said R. M. Whitney since the occurrence in the committee? If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer. I do not know what conversation others have had with Mr. Whitney upon this subject. I have had none. I had no acquaintance with Mr. Whitney prior to being appointed on the select committee, and have since carefully abstained from conversation with him. Upon one occasion, however, since the occurrence of the 25th of January, I was in the company of Mr. Whitney a few minutes, who made some remarks upon the subject, not addressed to me particularly. So far as I can recollect them, they were, in substance, that he was not afraid of Mr. Peyton, at the time alluded to; that he (Whitney) was not armed at the time, but intended, if Mr. Peyton had drawn a weapon, to have sprung forward, caught his arm, and flung him into the fireplace. This was before he had sent a petition

to the House, and before his arrest for an alleged contempt.

First question of Mr. RENCHER. In the subsequent examinations before the committee to which R. M. Whitney was pleased to submit, after the occurrence between him and Mr. Peyton, did he exhibit fears of personal violence from Mr. Wise, or from any other member of the committee?

Answer. I have seen no indications of fear on the part of Mr. Whitney.

Second question of Mr. RENCHER. Was the conduct of Mr. Wise, or any other member of the committee, calculated to create such fears?

Answer. Excepting the time of the occurrence of the 25th of January, I answer negatively.

Fourth question by Counsel. Did Mr. Wise at any time, and when and where, state what was his purpose in going round the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yea, what did he say was his purpose? And was the statement of Mr. Wise, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer. I was not present when Mr. Wise made the statement alluded to, in this House, on I think Saturday, the 4th of February. My information was derived from conversation with members who were present, and from the report of his remarks in the *Globe* and *Intelligencer* of this city. I think the testimony of Mr. Whitney had closed prior to that time.

Fifth question by Counsel. In your foregoing answers, touching the interrogatories propounded to Mr. Whitney before the committee, do you refer to any questions put to Mr. Whitney by Mr. Peyton, or by others of the committee, or to any of his answers or refusals to answer, but what are recorded in the journal of the committee, and found in the printed copy of that journal referred to in the foregoing interrogatories; and is that a copy printed by order of the committee? If so, annex the whole of it to your answer.

Answer. I have referred to the questions and answers, and refusals to answer, which have been published by the committee, and to them alone. I annex the journal, so far as it has been printed by order of the committee:

[Here follow from pages 1 to 112, inclusive, of printed journal of the select committee.]

Sixth question by Counsel. Is not the evidence of Chief Justice Taney, and also that of Mr. Duane, recorded in the journal of the committee?

Answer. I presume it is; but I have run my eye rapidly over the printed journal, and do not find the evidence there.

Seventh question by Counsel. Was Mr. Whitney present at, or ever apprised of, the examination of Chief Justice Taney or Mr. Duane, or of the nature of their evidence, or ever afforded an opportunity to put questions

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to either, in explanation of their evidence, or to adduce any corroboration of his own, in case any discrepancy should appear?

Answer. He was not present, nor was he apprised of the examination of Mr. Taney and Mr. Duane, to my knowledge.

[Interrogatories similar to those put to the first witness (Mr. Fairfield) were also addressed to Mr. Hamer, and received similar answers as far as the knowledge of Mr. Hamer went.]

FRIDAY, February 17.

Case of R. M. Whitney—Mr. Hamer's Testimony.

First question by Mr. PEYTON. Have you heard any member of this House declare that any proceeding should be adopted or prosecuted to bring the occurrences in the committee, on the 25th of January, to the notice of the House? And if yes, state whether you have heard such an opinion expressed by many of the members of the House; and, also, whether any of them suggested that proceedings against R. M. Whitney, for a contempt, would be a proper mode of effecting that object.

Mr. TURRILL said he was under the necessity of objecting to this interrogatory, as he considered it a very improper inquiry to make.

Mr. BOND called for the yeas and nays; which were ordered, and were—yeas 89, nays 84.

So the House determined the interrogatory should be put.

Mr. HAMER then sent to the Chair the following:

Answer. I have heard some members say that the proceedings alluded to ought to be brought before the House; that opinion has not been expressed to me by many members. I have not heard any one say, so far as I now recollect, that proceedings against R. M. Whitney, for a contempt, would be a proper mode of effecting that object.

First interrogatory by Mr. WISE. From the facts within your knowledge, or from remarks made to you, or in your presence, by members of this House, or by R. M. Whitney, have you a doubt of the fact that this investigation was and is intended, by said members and said Whitney, to affect Messrs. Wise and Peyton? State all the facts and circumstances, the conversations and meetings, the remarks of members, or of said Whitney, which go to show that such is the object of those concerned in the same.

Mr. TURRILL called for the yeas and nays; which were ordered, and were—yeas 73, nays 99.

So the House determined the interrogatory should not be put.

Second interrogatory by Mr. WISE. Do you know of your own knowledge, or from information derived from the President himself, or any member or members with whom he may have consulted or advised, or to whom he may have suggested an opinion, as to the proceed-

ings upon the report of the select committee, whether he (the President of the United States) has not advised and recommended to members the course which has been pursued by the House in this matter of alleged contempt; and whether he did or did not, directly or indirectly, assign as a reason for that course, that it would try the conduct of Messrs. Peyton and Wise in the committee of which Mr. Garland is chairman, urging that it was necessary to condemn that conduct.

Mr. VANDERPOEL asked for the yeas and nays; which were ordered, and were—yeas 66, nays 112.

So the House determined that the interrogatory be not propounded to the witness.

Second interrogatory by Mr. PEYTON. Have you heard any members of this House, and if yea, who, state that they hoped or wished Whitney would refuse to appear before the committee, so as to give an opportunity to examine into the transaction before the committee, or any word or expression to that effect; and have you known any members of this House, and if yea, who, state that they had counselled with Whitney as to the course he should pursue; or have you known any member of this House counsel with said Whitney as to the course to be pursued by him, either before the House or the committee? State fully all you know on this subject.

Mr. TURRILL objected to this interrogatory.

Mr. ROBERTSON called for the yeas and nays; which were ordered, and were—yeas 75, nays 91.

So the House determined that this interrogatory should not be put.

Third interrogatory by Mr. PEYTON. Have you heard any members of this House, and if yea, who, state that, by commencing this proceeding against Whitney in the House, the whole conduct and declarations of Messrs. Wise and Peyton would be proven, and thereby bring them, as far as possible, into disgrace before the nation; or any expressions or declarations to that effect; and that they would vote for the investigation with a view to that object?

Mr. INGERSOLL then asked for the yeas and nays; which were ordered, and were—yeas 69, nays 85.

So the House determined that the interrogatory be not put.

Fourth interrogatory by Mr. PEYTON. When did you first see the written statement of Mr. Fairfield, which he presented to this House, in answer to the first interrogatory propounded to him, or the substance of the same?

Answer. Several days before he was examined as a witness in this House; but the exact date I do not remember. I believe the one shown to me then to be substantially the one presented here when he was examined.

[Similar interrogatories with those addressed to the preceding witnesses, were then addressed to Mr. Martin, and were answered substantially to the same effect.]

Mr. Gillet's Testimony.

First question by the Counsel for the accused. Please state all the circumstances attending the dispute and disorder that occurred before the select committee whereof Mr. Garland is chairman, on Wednesday, the 25th of January; and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee, and all that occurred on that occasion.

Answer. I have heard the answer of Mr. Fairfield to this interrogatory, and recollect the facts stated by him, and think they are truly stated; and I adopt his answer thereto as a part of my own. I think other words reflecting upon Mr. Whitney were used by both Mr. Wise and Mr. Peyton, but I cannot call to mind any that I am certain were spoken before Mr. Whitney retired from the committee room.

[The remaining portion of the witness's reply was similar to that of Mr. Fairfield to the same query.]

[The interrogatories put to the previous witnesses were then put to Mr. Gillet, receiving the same answers.]

SATURDAY, February 18:

Case of R. M. Whitney.

Mr. WISE asked the general consent of the House to call the reporter for the *Intelligencer*, from whose notes, aided by his own recollection, Mr. W. had written out his speech for that paper; which was agreed to.

Testimony of John Whitehead, Reporter.

Question by Mr. WISE. Will you please state whether you did not furnish Mr. Wise with your notes, as a reporter of the *Intelligencer*, of his remarks in the House, narrating and explaining the occurrences in the committee of which Mr. Garland is chairman, in the matter of difficulty between Mr. Peyton and R. M. Whitney; and whether you can now vouch for the general correctness of the report of these remarks in the *Intelligencer*, particularly the report of the paragraph or sentence commencing "Let me not be misunderstood," &c.

Answer. Yes; I did supply Mr. Wise with the report of the statement which he made to the House, narrating the occurrences in the committee of which Mr. Garland is chairman. I can and do vouch for the general correctness of the report as contained in the *Intelligencer*, and particularly the report of the paragraph commencing "Let me not," &c. I distinctly recollect the sentence being uttered, viz: "If he had drawn a weapon, it should not have done its execution."

Mr. Jones, counsel for the accused, then informed the House that they had got through with all the oral testimony which they proposed

introducing at that time, and said he held in his hand certain documentary evidence which they intended to introduce. The evidence alluded to, he said, were extracts from the accredited speeches of the gentleman from Virginia, (Mr. WISE,) and the gentleman from Tennessee, (Mr. PEYTON;) which extracts went to show the *quo animo* of the other proceedings of those gentlemen against the accused. He considered this proposition as necessary to show the state of feeling which existed in the breasts of those gentlemen towards the accused; but in so doing it was not their intention to mutilate these speeches, and take small portions of them, but to lay them before the House *in extenso*. To save time, however, they only proposed the reading of such portions of them as bore upon the point at issue, yet the whole speeches were before the House, so that any gentleman might examine them for himself.

Mr. PICKENS then withdrew his call for the yeas and nays, and the proposition to introduce this testimony was lost, without a division.

Mr. GHOLSON, from the committee appointed to conduct the examination, then arose and announced that the counsel for the accused had closed, so far, their oral testimony, but desired, through him, to submit a proposition to the House. They had furnished him with a list or memorandum of certain portions of the journal of the Select Committee of which the Hon. Mr. GARLAND, of Virginia, was chairman, with a request that a clerk be directed to transcribe them for the use of counsel and the members. The reason of the request was this: the journal was then in the hands of the printer, and could not, without very great inconvenience, be spared from the printing office; because, if it was, it could not be printed in time for the report. He therefore moved that a clerk be appointed to make such extracts, for the purpose above mentioned.

Mr. PATTON then submitted the following resolution.

Resolved, That it is not expedient further to prosecute the trial of Reuben M. Whitney, for the contempt of the House alleged to have been committed by him, and that he be now discharged.

Mr. PATTON said that he had from the beginning foreseen that the trial would assume the form and character which it had put on; that it would be protracted to a most unreasonable length, by the introduction of a vast mass of irrelevant testimony, and by the raising of an infinite number of questions of evidence; and that the prosecution of the inquiry must lead to heated debate, and probably angry personal collision.

I think (said Mr. P.) it must be sufficiently manifest, if we attempt to go on regularly through this trial, receiving all that kind of testimony and pursuing that mode of investigation which the decisions of the House already have authorized, that there can be no termination of the case until the whole of the residue

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of the session, now barely sufficient for doing the public business of absolutely indispensable necessity, shall have been consumed. If we go on through the evidence, and are called on to pronounce a judgment on the merits, we must hear debate from the counsel of the accused and from many members of the House, which it would be exceedingly difficult to restrain by the means provided for arresting debate in an ordinary case of legislation. Under these circumstances, I have been meditating for some time to propose something which would put a stop to the case without any decision on the merits. I hope I may be permitted to say, and it may, perhaps, induce gentlemen on both sides to receive more favorably the proposition, that I have studiously and purposely abstained from voting upon any of the numerous questions of evidence, which have arisen in the case. I have kept myself aloof from all the excitement which I was sure the case must elicit, in some measure in the hope that, from a position of that sort, a conciliatory motion, calculated to put a stop to a trial so disastrous to the discharge of the public legislation of the country, and to avoid the necessity of any decision on the merits of the case, might be acceptably received. I do verily believe that if one single speech, such as will be made, and perhaps must be made, from the very nature of the case, shall be delivered on this floor, consequences the most deplorable will follow; scenes of violence and personal collision, such as we are not accustomed even here to witness, as well as the valuable time of the House thrown away so far as necessary legislation is concerned, without the hope of having any calm, dispassionate, or useful determination of the case itself which is under trial. Before we got involved in this case, I made an effort to prevent it by laying the report of the committee on the table. I would now renew that proposition, but the effect of that would be to leave the prisoner in custody. I have, therefore, proposed the resolution now under consideration, for the purpose of effecting the same object: that is, to get rid of this case in the only practicable way, without coming to any decision of the House on the merits or demerits of the accused, or anybody else, whose conduct is directly or indirectly implicated in the trial.

Mr. WISE inquired whether, before the counsel for the accused had concluded their examination, it was in order to move such a resolution without first moving to suspend the rules.

The CHAIR said the counsel for the accused had concluded the examination of witnesses, as he understood.

Testimony of the Honorable James Garland.

First question by the Counsel for the accused. Please state all the circumstances attending the dispute and disorder that occurred before the Select Committee whereof Mr. Garland is chairman, on Wednesday, the 25th of January, and state particularly all that was said and done by,

and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee, and all that occurred on that occasion.

Answer. The transaction now investigating took place on the night of the 25th day of January last. Mr. Peyton had, without objection by the committee, proposed to Mr. Whitney the following interrogatory: "Did you receive any letter of recommendation from R. B. Taney, or did he, in any manner, countenance you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?" which I, as chairman, propounded. To this interrogatory Mr. Whitney returned the following answer:

"I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he,' &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof."

After I had sent the answer to the committee, Mr. Peyton, in a tone and manner indicating strong excitement, remarked, "Mr. Chairman, I wish you distinctly to inform this witness that he is not to insult me in his answers;" then rising from his seat, and approaching Mr. Whitney, said, as well as I can recollect, "I will not be insulted to my face by any damned thief and damned robber; and if you dare to insult me here to my face, God damn you, I will put you to death on the spot. You say in your card that I seek protection under my constitutional privileges, but I will let you know that I do not claim any constitutional privilege to protect me against an insult to my face, here or elsewhere." Before Mr. Peyton had finished this sentence, Mr. Wise rose from his seat, which was on the sofa, on the side of the room opposite Mr. Whitney, and walked about half way across, saying, "Yes; the committee had borne the damned insolence of that witness long enough; it was insufferable." Mr. Peyton remarked, "Wise, this is my business; don't you interfere." I immediately rose, and said to Mr. Wise, "Wise, don't do so, you are wrong." Upon which Mr. Wise immediately returned to his seat. When Mr. Wise turned to resume his seat, I immediately turned to Mr. Peyton, and remarked, "Mr. Peyton, you must observe the order of the committee." Mr. Peyton immediately turned from the witness to me, and said, as near as I can recollect, "Mr. Chairman, I appeal to you to say if I have not treated this witness, from the beginning, as if he were a gentleman; but I'll be damned if I will be insulted to my face." He then took his seat in the chair which I had occupied, as I had taken the chair which he had risen from. After Mr.

Peyton and myself were both seated, Mr. Whitney rose from his seat, and, advancing one or two steps towards me, said, "Mr. Chairman," uttering two or three other words which I did not hear. Before he had finished his sentence, Mr. Peyton rose up and said, as well as I recollect, "He has no right to speak here; God damn him, he shan't speak; he must give his answers in writing." Then, turning towards Mr. Whitney, said, "You have no right to speak here; sit down, sir." I remarked to Mr. Peyton that the witness had a right to make a question touching his examination; but, before I finished the remark, Mr. Peyton, very much excited, said, "Damn him, I have treated him as if he were a gentleman." I again remarked to Mr. Peyton that he must observe order. Mr. Whitney, who had not taken his seat, said, "Mr. Chairman, I came here under the summons of the committee. I claim its protection." Mr. Peyton said, "Damn him, he has insulted me to my face; damn him, he looks at me; he shan't look at me." As he made this remark, appearing very angry, he put his right hand either to his bosom or the side pocket of his coat. As soon as he put his hand to his bosom, Mr. Wise sprang forward, seized Mr. Peyton by the breast, and said, "Peyton, don't notice him; damn him, he is not worthy of your notice;" and some other expression, which I do not remember. Mr. Peyton remarked, "I will notice him; I would notice him if he were a damned dog, if he insulted me to my face." As soon as Mr. Wise seized hold of Mr. Peyton, I stepped between him and Mr. Whitney, and Mr. Martin took hold of his right arm. Mr. Wise shoved Mr. Peyton back some two or three steps towards the sofa, Mr. Peyton endeavoring somewhat to disengage himself from Mr. Wise and Mr. Martin, but failed. About this time some member of the committee made a motion to suspend the examination, and Mr. Hamer made some remarks, which I did not hear, for my attention was directed to the parties, with a view, if necessary, to prevent collision by personal interposition. At this time, I remarked to Mr. Whitney, "that a question would arise as to the disposition of his answer, and that he would be pleased to retire;" which he did. After Mr. Whitney retired, Mr. Peyton, who had been very much excited, became more tranquil; expressed his regret for the occurrence; urged, in extenuation, the insult which he had received in the answer referred to, and the contemptuous look and scowl with which it was accompanied, as the cause of his great excitement, and apologized to the committee, promising that thereafter he would try and suppress his feelings, unless grossly and directly insulted. Mr. Hamer then submitted the following motion:

"That the answer to the 15th question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee;" which was unanimously adopted. Mr. Wise then called me to him, near

the window, and remarked that, "in Mr. Peyton's present state of feeling, it would not do to permit him and Mr. Whitney to go out of the room together; if they did, he would not be responsible for the consequences; that it would be best to call back the witness, permit Mr. Peyton to ask him another question, which would greatly tend to tranquillize him, and then discharge the witness, without the committee's adjourning." I told him I approved of the plan; that there was some unfinished business before the committee, which I would call up when Mr. Whitney was discharged; and that he must see that Mr. Peyton did not leave the room; which he promised he would do. The witness was then called in, and the resolution of the committee read to him. After it was read, he said, as well as I recollect, "if I have been disrespectful to the committee, I regret it, and apologize for it." Mr. Peyton then propounded a question, which Mr. Whitney answered in a respectful manner, and was discharged. As Mr. Whitney left the room, I called some unfinished business to the attention of the committee, which detained it about ten minutes, and then it adjourned. In this narrative I am guided by my memory alone. I have given the circumstances which occurred, and the language which was employed, as accurately as a treacherous memory will permit. I do not profess entire accuracy, or to have stated all that occurred.

[The usual interrogatories were then put to Mr. Garland, and answered about as other witnesses had done, as far as his knowledge extended; after which Mr. Fairfield, the first witness, was called back, and further interrogated.]

MONDAY, February 20.

Case of R. M. Whitney.

Mr. LANE, there being no question before the House, then submitted his resolution, as follows:

Resolved, That it is inexpedient to prosecute further the alleged contempt of Reuben M. Whitney against the authority of this House, and that said Whitney be now discharged from custody.

Mr. GHOLSON wished to know whether the investigation on the part of the committee could be stopped in this way.

The CHAIR replied that that was a question for the House, not the Chair, to determine. The witness was off the stand, and the same question arose the other day.

Mr. LANE then said: Mr. Speaker, the only speech I have to make on this resolution is to move the previous question.

Mr. DAWSON. Mr. Speaker, can a gentleman take the floor, present a resolution, and call for the previous question, without the power of the House to amend it?

The CHAIR. Certainly.

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Reissuing Bank U. S. Stock.

[H. OF R.]

Mr. STORER. Mr. Speaker, the point of order I inquire about is this: whether it is competent for any member of this House, while this House is organized as a judicial tribunal, to cut off, by this guillotine sort of process, the right of the accused to be heard by his counsel.

The CHAIR. That is a matter for the consideration of this House. The House may vote according to its discretion or according to its judgment.

Mr. Jones (of counsel for the accused.) Cannot this proposition be amended, sir?

The CHAIR. No proposition can be amended after the demand for the previous question.

Mr. WISE. Is there not a witness on the stand?

The CHAIR. There is not.

Mr. WISE. Has not the clerk of the Select Committee been summoned?

The CHAIR has issued a subpoena for him, but he was not called on the stand.

Mr. WISE. Have there not been questions propounded which have not been answered?

Mr. GHOLSON. I gave the clerk seventeen interrogatories, which he has not answered.

The CHAIR, as the presiding officer of the House, knows nothing of it.

Tellers having been appointed, the previous question was then seconded by the House—yeas 78, nays 64; and on the question, "Shall the main question be now put?"

Mr. CRAIG asked for the yeas and nays; which were ordered, and were—yeas 91, nays 71.

So the main question was ordered to be put; and on the main question, being on the adoption of the resolution,

Mr. CHAPIN asked for the yeas and nays; which were ordered, and were—yeas 99, nays 72, as follows:

YEAS.—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, Cleveland, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Efner, Farlin, Fowler, French, Fry, Galbraith, Haley, Joseph Hall, Hawkins, Haynes, Henderson, Holt, Howard, Huntington, Ingham, William Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingsmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, William Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Owens, Page, Patterson, Patton, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turritt, Vanderpoel, Wagener, Ward, Wardwell, Thomas T. Whittlesey, Yell—99.

NAYS.—Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, Bunch, William B. Calhoun, Campbell, Carter, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Forester, Graham, Granger, Griffin, Hiland Hall, Hard, Harlan, Harper, Albert G. Harrison, Hazeltine, Herod, Hoar, Howell, Hunt, Huntsman, Ingersoll, Janes, Jenifer,

Lawler, Lawrence, Luke Lea, Lewis, Love, Lyon, Maury, McCarty, McKennan, Mercer, Milligan, Parker, Pearson, Phillips, Pickens, Potts, Reed, Rencher, Russell, Shields, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Vinton, Washington, White, Lewis Williams, Sherrod Williams, Young—72.

So the resolution was adopted; and Mr. Whitney was thereupon ordered to be discharged from custody.

Just as the Chair was announcing the order for the discharge of the accused,

Mr. PEYTON interposed, and said, before the accused was dismissed, he wished to propound a question to him, and that he be detained for that purpose. [Cries of no! no! from all parts of the hall.]

Mr. PEYTON thereupon moved a suspension of the rule, and asked for the yeas and nays on the motion, saying, "Then gentlemen will have an opportunity of recording their no! no!"

Mr. MANN, of New York, moved that the House adjourn.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; which were ordered, and were—yeas 94, nays 68.

When the name of Mr. Wise was called, that gentleman rose in his place, and, addressing the Chair, said: Mr. Speaker, I shall not vote until I ascertain whether I am discharged from prosecution or not.

The House then adjourned.

WEDNESDAY, February 22.

Reissuing Bank U. S. Notes.

Mr. GALBRAITH, from the Select Committee upon the subject of banking operations and the reissues of the notes of the Bank of the United States, reported a bill providing for the punishment of reissuing the notes of the late Bank of the United States.

Mr. EVERETT took this occasion to disclaim any participation in the bill or report, never having seen either. The committee met soon after their appointment when nothing was done. They were to wait the call of their chairman for their next meeting. He now understood they had had a meeting some days since, but of this he had had no notice to attend. The first notice he had was yesterday, when the chairman said the committee proposed meeting that evening, at the lodgings of one of the members. Mr. E. informed him that he was too much indisposed to go out in the evening, but would attend any morning in the committee room at the House. He therefore disclaimed all share, or merit, or responsibility, for the bill or report.

Mr. MASON, of Maine, moved that five thousand copies be printed; which motion lies over.

FRIDAY, February 24.

Relations with Mexico.

MR. HOWARD, from the Committee on Foreign Affairs, to which had been referred the Message of the President of the United States of the 8th of February, made the following report thereon :

The Committee on Foreign Affairs, to which was referred the Message of the President of the United States of the 8th of February, relative to Mexico, have had the same under consideration, and respectfully offer the following report.

The history of the relations between the United States and Mexico exhibits an unbroken succession of good feelings, and, as far as the occasion permitted, of kind offices, on the part of the American Government, following out, in this as in other respects, the disposition and wishes of the people. The first to recognize Mexico as an independent power, the Government of the United States has been among the first in the unceasing manifestation of friendship to this adjacent North American Government. At an early period of her struggle for independence, the ports of the United States were open to her flag, even at the hazard of incurring responsibility for this act of impartial neutrality.

But the committee perceive, with profound regret, that on the part of Mexico there has been a long train of injuries to the property of American citizens, and insults to the national flag, for which redress, though often promised, has seldom been obtained.

This omission has doubtless proceeded, in a great measure, from the unsettled condition of the Mexican Government, the numerous and radical changes, which have prevented a fixed policy from being pursued in its foreign affairs. But the committee believe that it has also sprung, in part, from a knowledge of the form of our Government, and the limited powers of its executive branch.

Cases might be mentioned in which a demand for redress, when made by nations whose Executive had the power of declaring war, and consequently the subordinate power of giving large discretionary authority to its naval officers, has been promptly met, when the consequences of refusal were uncertain. But our constitution has wisely placed the war-making power in the legislative branch of the Government, and no severe measures are likely to be adopted towards any foreign power, unless upon much deliberation and repeated aggression. It would seem to follow from this, however, that in proportion to the slowness should be the firmness of the voice of the nation, when expressed through all the departments of its Government.

Those nations which permit themselves to disregard the remonstrances of the President, when conveyed through agents appointed by him, and rely for their security upon the limited powers which our constitution has intrusted to that officer, must be taught that his complaints against injury and outrage do but speak, in anticipation, the voice of the entire people of the country.

It may be that, without reference to the limited powers of the President, the Government of Mexico has been encouraged to persevere in its course of aggression by the general absence from its neighborhood of vessels of war belonging to the United States, the interposition of which might have been more effectual than a diplomatic note.

To illustrate this position, the committee will select, out of the many cases of serious and flagrant injury inflicted upon the commerce and rights of the United States, by officers of the Mexican republic, one of the very few in which that Government listened to our demand for satisfaction.

On the 3d of May, 1836, the United States schooner *Jefferson* anchored off the port of Tampico, direct from Pensacola, having been sent out by order of Commodore Dallas. Lieutenant Osborn and his boat's crew, who went on shore, were seized and imprisoned, and the vessel prohibited from entering the river. A demand for satisfaction made by the American consul was haughtily refused. The *Jefferson* left the port, but communicated with the sloop of war *Grampus*, of eighteen guns, which came to off the bar ; and on the following day there arrived another American corvette, and both anchored there.

The commander of the *Grampus* directed a note to the principal of the port, informing him that, by order of the chief of the division on the West India station, he had come to enter into a correspondence with him relative to the insult which he had inflicted on the American flag. A note followed from the Foreign Department of the Mexican Government to Mr. Ellis, requesting him to interpose his authority, and order the vessels to retire. Mr. Ellis very properly declined to do so. In a few days an official communication apprised Mr. Ellis that the Mexican Government had supplanted the officer in command at Tampico, "by substituting in his stead a chief who, it flatters itself, will know how to preserve greater harmony with the agents and subjects of foreign nations" and announced that "a summary investigation had been ordered to be instituted, which, by putting in its true light the conduct of Mr. Gomez, would apply to him the punishment he deserved, if he should prove culpable, as well as to all others who may have taken any part in the affair treated upon," renewing the request that Mr. Ellis would then give his orders for the withdrawal of the squadron from before Tampico ; which was done, and the vessels departed. The committee would be pleased if they could stop here in the narrative ; but they are compelled to remark that, shortly afterwards, the individual whose punishment was thus promised, as an atonement for the insult to the American flag, was recalled into service, and assigned to a command upon the coast, where his hostile feelings might again endanger the security of American citizens or property.

The effect of this open withdrawal of the apology yielded to the American Government was, as might have been anticipated, soon made to appear in fresh outrages upon some American citizens, who were entitled to have been treated with peculiar forbearance, not only because they were in the employment of the American Government, but because they constituted a part of the crew of one of the national vessels, whose services on board might have been very essential. The arrest and imprisonment of eight of the seamen belonging to the sloop of war *Natchez* will not now be made the subject of comment, further than to remark that the prevention of the American consul from visiting them, whilst sick and in prison, from the 4th to the 19th of November, was an act of unpardonable inhumanity, and appears to have proceeded from the same officer whose fictitious punishment, but real promotion, had been offered as an atonement for a previous insult to the American flag.

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Distribution Question—Deposit with the States.

[H. OF R.]

Looking through the catalogue of complaints which the United States have to make against Mexico, on their own account, as the party whose dignity and honor are assailed, the committee are unable to perceive any proof of a desire on the part of the Mexican Government to repair injury or satisfy honor.

The merchant vessels of the United States have been fired into, her citizens attacked, and even put to death, and her ships of war treated with disrespect when paying a friendly visit to a port where they had a right to expect hospitality. It was the inattention of the Mexican Government to complaints of this description that appears chiefly to have induced the return of the late chargé d'affaires; for in his note of December the 7th he says: "If those [the claims] that might be presented should be all acknowledged as just, yet so long as the several cases of unprovoked and inexcusable outrage inflicted on the officers and flag of his country, which have been heretofore submitted to the Mexican Executive, remained unsatisfactorily answered, he would have but one course to pursue."

It is possible that the claims for private property, which had recently been presented anew to their notice, may have attracted the serious attention of that Government; but if a cordial disposition was felt to adjust them, it is not easy to imagine why those cases, where a decree of the Mexican authorities had been for a long time passed for their payment, and a portion actually paid, were not fully satisfied. The committee are willing to hope, however, that the manifestation of serious discontent on the part of the United States, by the withdrawal of their official representative, will induce the Mexican Government to engage in the active investigation of all the grounds of complaint pressed upon them for many years past. They fully concur with the President, that ample cause exists for taking redress into our own hands, and believe that we should be justified in the opinion of other nations for taking such a step. But they are willing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican Government, before any further proceedings are adopted. It is their opinion that a diplomatic functionary of the highest grade should be appointed to bear this last appeal, whose rank would indicate at once the importance of his mission, and the respect in which the Government to which he is accredited is held; for, notwithstanding the causeless ill feeling which appears to prevail in Mexico towards the Government and people of the United States, the latter will continue as long as possible to treat with respect their ancient though now estranged friend. In conclusion, the committee respectfully submit to the House the following resolutions:

Resolved, That the indignities offered to the American flag, and injuries committed upon the persons and property of American citizens, by officers of the Mexican Government, and the refusal or neglect of that Government to make suitable atonement, would justify the Congress of the United States in taking measures to obtain immediate redress by the exercise of its own power.

Resolved, That, as an evidence of the desire of the American Government to preserve peaceful relations with the Government of Mexico, as long as the same may be compatible with that dignity which it is due to the people of the United States to preserve unimpaired, the President be, and he is hereby, respectfully requested to make another solemn demand, in

the most impressive form, upon the Government of Mexico, for redress of the grievances which have heretofore been ineffectually presented to its notice.

The report having been read,

The consideration of it was postponed to the next day.

The Distribution Question—Deposit with the States.

Mr. BELL said he rose for the purpose of calling the attention of members to a few facts connected with the subject under consideration, and with the subject of the Treasury, and the expenditures of the Government generally, which he thought were either unknown to many honorable members, or, if known, had not received that attention which, from their extraordinary nature, they were entitled to receive from the representatives of the people and the guardians of the public interests.

The fact that the permanent expenditures of the Government had been doubled in amount within a few years past had been noticed heretofore. I wish (said Mr. B.) to bring to the notice of honorable gentlemen another most improper and unprecedented anomaly in the action of Congress upon the subject of the appropriation and expenditure of the public moneys. The Committee of Ways and Means have given their sanction to appropriations, for the service of the present year, amounting to upwards of thirty millions, if I have not made some mistake in the estimate of this amount. Besides these, there are other bills reported by the standing committees of the House, which will swell them to about thirty-five millions—an amount but little short of the appropriations to the same objects made at the last session of Congress. Do the members of this House know what proportion of the appropriations of the last year remains unexpended? The honorable chairman of the Committee of Ways and Means has told us that the present bill appropriates about nine hundred thousand dollars to fortifications; and that, he contends, ought to be voted, because it does not exceed the usual amount annually appropriated to the same objects. Sir, it is true that this does not exceed the amount usually appropriated, but the honorable gentleman has omitted to inform us that there was, on the 1st of January, a balance of upwards of six hundred thousand dollars remaining in the Treasury of the appropriations of the last year to the same objects, besides between two and three hundred thousand in the hands of the disbursing officers yet unexpended. He has neglected to inform us that, in fact, about nine hundred thousand dollars of the last year's appropriations to fortifications remain to be expended during the present year; for I take it for granted that the work upon the fortifications has not been persisted in to any great extent during the winter. Thus, sir, instead of the amount proposed to be applied to this branch of the public service, during the present year, we propose to apply

double that amount. Is there any thing in the present high prices of labor and materials, any thing in the great demand for laborers of all kinds, or is there any thing in the present prospect of peace with all nations, which calls for this unusual amount to be applied to fortifications? Are we not pushing these works too rapidly to admit of solid constructions? But, sir, (said Mr. B.,) I do not attach much importance to this view of the subject. Not only double, but treble and quadruple the amount of these appropriations can be expended by the Government, if it is found necessary in order to increase appropriations—if we shall, by our imprudent compliance with the demand of the Executive, encourage a race between appropriations and disbursements—if the appropriations are to be increased according to the ability of the Government to expend, or rather waste, as much as this House shall, from year to year, be found willing to appropriate. I repeat, if this shall be the measure of our appropriations, we need not care how large they are, they will be expended.

Mr. CAMBRELENG, in answer to the remarks of the gentleman from Tennessee, (Mr. BELL,) in relation to excess of appropriations in the Treasury, said he had only to remark that there was a great deal of deception in relation to those appropriations; because, although the money was in the Treasury, in most cases the works for which it was appropriated were already under contract. The Committee of Ways and Means were at one time of opinion with the gentleman from Tennessee. They, knowing that there were large amounts of money on hand in the Treasury, made inquiries at the proper departments, and ascertained that, although there was a surplus on hand at present, yet the probability was that the appropriations would fall short during the ensuing year.

Mr. C. then sent to the Clerk's table a report from the engineer department, showing the objects for which the appropriations were required, which showed that all the appropriations proposed in the bill would be needed during the ensuing year.

Mr. WILLIAMS, of North Carolina, advocated the amendment of the gentleman from Tennessee, on the ground of its recognizing a system of permanent distribution, from which he (Mr. W.) could see no possible evil that could result.

Mr. GARLAND, of Virginia, said, that having voted for the deposit act of the last session, and intending to vote against the amendment proposed by the gentleman from Tennessee, he felt it due to himself briefly to state the reasons which induced him to vote as he now intended to do. He said that he felt no regret for the vote which he gave for the deposit act of the last session; he not only felt no regret, but was well satisfied that the vote was right and proper; such a one as, under like circumstances, he would give again. When the deposit act passed, there was a large actually existing sur-

plus in the Treasury, which, upon every reasonable data of calculation, would, by the close of the year, amount to about forty millions of dollars, and which had since been ascertained to be forty-two millions. Upon every reasonable basis of estimate, the accruing revenue, down to the year 1842, would be equal to, and perhaps more than, what ought to be the actual wants and expenditures of the Government. In this state of things, this immense amount of revenue would, without some disposition of it, remain unemployed in the hands of the Federal Government, or be employed by the deposit banks for their individual profit. He said he need not say that he thought it too dangerous to permit such an immense amount of unappropriated money to remain for so long a time in the hands of the Government unemployed for any public purpose; that he would not trust this Government with such immense means of patronage and corruption, be it administered by whom it might. There is nothing so dangerous in its employment, or corrupting in its use, as money; and he did not regard any Government so inflexible in its virtue, or so far above the reach of temptation, as to trust it unnecessarily with means of so extraordinary and dangerous temptation.

Mr. G. said that, when he voted for the deposit act of the last session, he voted for it as being, what it professed to be, a mere deposit act, and not a distribution act in disguise, as it had been frequently characterized; nor did he intend to adopt the principles of that bill as a system; for if the deposit principle is to be adopted as a system, he would prefer the constitutional principle proposed by a distinguished Senator from South Carolina, as more just and more equal in its operation. He said that he was utterly and entirely opposed to the distribution principle; it was corrupting in its operations and dangerous in its tendencies.

If the system be adopted, there can be no doubt that, under our indirect and insidious system of taxation, the State Governments would ultimately look to this Government for the means of conducting their domestic works and sustaining their domestic institutions; that they would make diligent and active search for every possible subject of expenditure, until, finally, the people and the State Governments would cease to watch the pecuniary operations of the Federal Government with their accustomed vigilance, and make no effort to arrest its march to consolidation, and, finally, be engulfed in its corrupting influence. The demands of the States would be met by corresponding taxation here, and a surplus produced for the purpose of distribution. He regarded this system, as many distinguished gentlemen had heretofore regarded it, the most dangerous and corrupting which could be incorporated into our legislation.

Mr. G. said that the true remedy was to reduce the taxation of the people to the wants of the Government, and the wants of the Gov-

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ernment to the most economical expenditure; economy and simplicity being essential to purity, and purity to the maintenance of republican institutions. He said, Mr. Chairman, we must come to it; we must reduce the expenditures of this Government and the taxes of the people; this they will compel you to do, if they properly regard their rights and their liberties.

Mr. G. said he had another strong objection to the adoption of the amendment proposed by the gentleman from Tennessee, (Mr. BELL.) It was, in effect, a deposit law, sought to be ingrafted upon a simple appropriation bill; embracing subjects totally distinct and dissimilar in their characters; upon the same principle, a tariff or any other incongruous law might be ingrafted upon an appropriation bill, and produce the greatest confusion upon the statute book. He thought that there ought to be the greatest possible system and congruity attainable in the framing of our laws. If he were otherwise favorable to the amendment, he would not vote for its adoption as an amendment to this bill.

Mr. UNDERWOOD was in favor of the amendment of the gentleman from Tennessee, because the object of it was to send the money back to the people, instead of keeping it in the vaults of the deposit banks, to enrich their stockholders, and add to the salary of their agent at Washington. He went on to point out the large increase in the number of deposit banks, especially in the State of New York, within the last year, and contended those banks were selected, and favored, with a view to aid the administration in carrying out its political views. He then contrasted the amount of public money on deposit in the banks in New York, Philadelphia, Baltimore, Cincinnati, and Michigan, and attributed this difference more to the fact that some of those banks paid a contribution to an agent at Washington, and some did not, than to any thing else; and invariably, said he, those banks who pay a good sum to an agent get the largest amount of deposit. He feared there was some improper influence at work in the selection of these banks, and therefore he wished the source of corruption to be removed; and he considered this proposition as the best means of removing it.

Mr. MANN submitted an amendment to the amendment, providing that the deposit should be in proportion to the ratio of representation in the House of Representatives of the United States.

Mr. M. asked, where was the necessity of the proposition of the gentleman from Tennessee? Or had the gentleman any data upon which to estimate the amount of money to be appropriated under that proposition? And could they adopt it without that? The gentleman should have done what was done by an honorable Senator—introduced it at an early period of the session; for this amendment and that bill were identical. If, however, it should be

adopted, Mr. M. had prepared his amendment to prevent the repetition of one of the greatest constitutional outrages that had ever taken place since the formation of this Government—indirectly done, to be sure, but not the less grievous. By the distribution law—for he would call it by its right name, it was “distribution,” though a mental reservation had been made by the use of the word “deposit”—the people of the large States had been sacrificed to the interest of those of the small States. He was opposed to distribution in any way whatever; and, even if his amendment should be incorporated in the provision under consideration, it would still be open to all his objections, though it would render it less unjust in its operation. He expressed his surprise at such a measure coming from the quarter it did. What had become of the once cherished State-right doctrines? Where the doctrine of a strict construction of the constitution? Was it the design to continue the present oppressive system of taxation, for the purpose of collecting large amounts of money from the people, to distribute it back in an unequal ratio, with the loss to the whole people of the enormous expenses of collection? He entered his solemn protest against the whole principle.

Mr. GIDEON LEE said: Mr. Chairman, I rarely give reasons for my vote. I shall, however, vote against this amendment, on the ground I voted against the distribution law of June; it is the same thing; my views are unchanged. I vote against it, because it leads to the collection of money which the owners had better keep than the Government; because it levies money for a purpose which the constitution does not warrant; because it corrupts our election; because members of Congress will be chosen in reference to the amount of money they will pledge themselves to draw from the federal coffers, and plant in their several districts—I know the fact, that electioneering on this principle is now in process; because I believe that, sooner or later, the inevitable effect will be to vote as little as possible for federal purposes: to withhold from the army, the navy, the fortifications, the proper necessary appropriations, and, finally, render the Federal Government a mere rope of sand.

Mr. THOMPSON, of South Carolina, could see no reason why, if this measure was wise and proper at the last session, it is not so now, except that the Executive has since openly taken ground against it—a very sufficient reason to some gentlemen. He was sure that it was not so with his friend from Virginia, (Mr. GARLAND.) If five millions was the sum proper to be left in the Treasury last year, what reason is there to require more now? If there is no surplus, there will be no distribution. Mr. T. said that of all humbuggery, in this age of humbugs, the greatest was that this measure would corrupt the States. What do gentlemen mean when they talk of corrupting that incorporeal thing, a State? They must mean, if

indeed they mean any thing, that it will corrupt the people! This money is returned to the States, who have an unrestricted control of it. Has any one ever broached the idea of the States corrupting their own people? How corrupt them? By appropriating this money to the beneficent purposes of internal improvement and education? Would that more of the States were thus corrupted. The distribution must be equal, and fixed by positive law. There will be no discretion—no power of discrimination—no power of granting favors. Where that is the case, there can be no power of patronage. The money must be distributed, or left in the Treasury, to be distributed by the Secretary, at his good will and pleasure.

MR. CRARY was opposed to the proposition of the gentleman from Tennessee, (MR. BELL,) and to the amendment of the gentleman from New York, (MR. MANN.) On no account could he be induced to vote for a distribution of the surplus, on the basis advocated by either of those gentlemen. The bill of the last session, called a deposit bill, but in fact a bill of distribution, was a bill of abominations. It distributed the public money unequally, unjustly. That money had been collected from the people of every section of the Union. It was paid into the Treasury by them, not in the proportion to their respective representations in the Senate and House of Representatives, nor in the proportion to their respective representation in the House alone, but in a proportion altogether at variance with either. It had been drawn from the people of the old States and the new, and not of the States only, but also of the Territories, and in proportion to their population at the present time. To distribute it, you went back to the census, taken six years ago; thus giving money to the people of the old States which you had taken from the people of the new States. By that act, the people whom he had to represent were deprived of a large sum of money which had been pillaged from them when they were unrepresented upon that floor; when they were denied a voice in the national councils. You propose now to reenact the same scene of injustice. He could not consent to it. If there was to be another distribution, there should be another census, and that census should form the basis of the distribution. In that way alone the surplus in your Treasury would be returned to those who had paid it there. In that way alone could justice be done to the people of his own State, to the people of the whole Western country.

MR. ROBERTSON was, in general, much opposed to the addition of new clauses to an appropriation bill, after it had been matured by the proper committee, particularly such as introduced matters unconnected with the main objects of the bill. This mode of legislation often left no alternative but to adopt a questionable or improper principle, or reject appropriations essential to the public service. But, in the present instance, he should overcome his

repugnance, and vote for the amendment proposed by the gentleman from Tennessee, (MR. BELL.) That amendment, it was true, involved a very important principle; but it had undergone a full discussion; indeed, it had occupied the attention of the country for years past, and had received the deliberate consideration and sanction of Congress at the last session. He presumed, therefore, that every gentleman was prepared to vote upon it.

MR. BOULDIN said: To reduce the income to the wants of Government, and to reduce the tariff for that purpose, had been strongly recommended by the Executive. It was generally expected, on all hands, that it would be cut down in some degree. It was, however, then thought entirely too late in the session, and it was universally said that, at the commencement of this session, we should commence the work of reduction of the tariff and of the revenue. This was early proposed at the present session. MR. B. had strong hopes and some fears on the subject, but voted to lay his colleague's resolution (MR. MERCER'S) on the table. This resolution sought to relinquish, on the part of the Federal Government, all claim to the money deposited by it with the States. MR. B. did not know what effect this measure might have had on the reduction of the tariff, or on reduction generally of the revenue. The very able report of the Committee of Ways and Means, the chairman of which MR. B. knew to be professedly, and did and does now believe to be sincerely, opposed to the protecting-duty system, seemed to brighten the prospect for reduction, which was cheering to MR. B. and to the country.

But now, sir, (said MR. B.,) we are again at the very crumbling brink of the grave of another session, and nothing is done. As to the report of the Senate, it promised little or nothing; what it would perform of that little he did not know. Between letting the money stay here, and the deposit bill as it was when ordered to be engrossed and finally passed—a sad alternative—MR. B. was in doubt. MR. B. has none now; with his loss of hope of reducing the tariff and the revenue to the wants of economy in the administration of our affairs, his doubts have vanished. It is true that the present Executive has recommended it, and the President elect has already, when questioned, declared his opinion to the same effect. Still (said MR. B.) my hopes are gone. When I see the system of partly selling, but principally giving away, the public lands, playing into the hands of the tariff system—protective system; and when I know that these are the only means of increase or decrease in the revenue on the imposts and lands, unless we resort to direct taxation, I despair. They are the arbiters of our fate, and they are in the hands of those who are agreed to take care of those two systems, whatever may become of us. Sir, (repeated he,) I despair. The Executive can do nothing for us, let him try ever so hard.

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This system of one-tenth part selling, and the other nine parts giving the public lands, has a force and operation in it that has wholly escaped me heretofore. I know that, last session, there was something about the business that I could not see through. Whether it was want of vision in me, or whether the whole subject was a muddy stream, impenetrable to the human eye, I did not know. But, though muddy then, it is now as clear to me as the mountain limestone water—the pure limpid fountain, transparent as the air.

It is no longer a muddy pool to me. No, sir, I can now see a pin's head and point in ten feet water. I now see we shall not get the tariff down, we shall not materially reduce the revenue. I am willing (said Mr. B.) to let the compromise part of the tariff stand. I am willing to take off all the impost duties; I am willing to stop the sale of the public lands; I am willing all or any part of these things to bring down the revenue, but come down it must for me. I am willing to suspend all the rules, and set out this minute and spend all the balance of the time we have in doing it in a manner the best for all concerned. But it must come down, and that immediately, (said Mr. B.,) or I will vote to send any part, or all, back to the people. If I cannot get all, I will send what I can get. I will put it into the right pockets in every instance, if I can; I will come as near as I can.

Mr. B. said he knew it was unconstitutional thus to take it from the people in this way, and would be so to do the like again, and so it would be to keep it; and so long as we thus continue to take, I will continue to give back; and if I cannot do it unconditionally, I will lend it, deposit it. Strange thing, this—take the people's money away from them, and then lend it to them. But if I can do no better, I must do that.

Mr. LANE said: The proposition now to be determined, and the only one in order for debate, is to distribute the surplus revenue among the several States, agreeably to the representation in this branch of Congress—to distribute, (said Mr. L.,) because no one believed a cent of it will ever be called for, or returned by the States.

The money proposed to be divided has been collected, not from the old States, not agreeably to the representation in this House, but from the whole people; and, whether regarded as arising from the sales of the public lands or upon duties upon merchandise, it has been paid according to population, not representation, in direct proportion to the amount paid for land and the consumption of imported articles. That if any disproportion in the collection of the amount proposed to be returned to the people exists, it is because the people of the new States have purchased more of the public lands than those of the old.

Sir, what has produced such an extraordinary change in the opinions of honorable members?

A few years since it was proposed to divide among the States the money arising from the sales of the public lands, by the land bill, originating with a distinguished Senator in another part of this House. It passed the Senate and this House by an overwhelming majority. By the provisions of this bill, each of the new States in which the public lands were located received large donations of land, and twelve and a half per cent. out of the proceeds of the sales within the State; and the balance was divided equally among the States, based upon the census of 1830, which is the basis of the present proposition. This was intended to make up in some degree for the increased and increasing population of the new over the old States.

In this there was something generous, magnanimous, on the part of the advocates of the bill, towards the people of the new States, compared with the present proposition. The same gentlemen in this House who were the advocates of that bill are now the advocates of this proposition. Are honorable gentlemen prepared to give the reason and the cause for such a sudden change having passed over the vision of their political dreams? Is it to be found in the action of the people of the new States, in relation to recent and former elections of an important character? Surely not; no gentleman will admit this, though any one would be at a loss to find any other reason for such a change.

Mr. L. said the gentleman from Kentucky (Mr. UNDERWOOD) had, with an air of confidence, given the committee his reasons for supporting the proposition: that the money in the hands of the deposit banks increased the executive influence of the General Government; that it was not only improperly deposited, but used for political purposes to influence public opinion; that his honorable friend desired its removal from the pet banks, (as he is pleased to call them,) because these banks, or those who manage them, are the friends of the administration, and use the money for their own benefit.

Mr. L. said he was equally desirous for the removal of the money of the people from the possession and control of the banks, because they are, so far as his part of the country is concerned, most decidedly opposed to the administration and all those who sustain it; that they use the power that the public deposits give them for political purposes, and not for the public good; not to accommodate the people, whose money it is, but to advance the interest of the favored few; in short, to shave and oppress the people with the money of the people.

Sir, (said Mr. L.,) if the people of the States of this Union are incorruptible, he would like to have the gentleman inform the committee who it is he apprehends would be corrupted by the Executive of the Federal Government. To conclude, Mr. L. said he had too much confidence in the justice of the members of the

committee to suppose they would for a moment entertain such a proposition. He would, therefore, not detain the committee at so late an hour.

Mr. CAMBRELENG obtained the floor, and said he would willingly waive all opportunity to speak, but made an earnest appeal to the committee to take the question.

The amendment of Mr. MANN was then rejected, without a division.

The question on the amendment of Mr. BELL was taken by tellers, and also disagreed to—yeas 71, nays 75.

SATURDAY, February 25.

United States Bank.

Mr. GALBRAITH, from the Select Committee upon the subject of the United States Bank, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the notes of the late Bank of the United States, which may have been returned since the 3d day of March last, redeemed from the funds of the said bank, shall cease to be reissued by its officers, directors, trustee or trustees, and until the amount due to the Government from said bank shall be settled to the satisfaction of the Secretary of the Treasury, the notes of said bank, and the notes of any bank to which its funds and estate may be transferred in trust for the payment of its debts and discharge of its obligations, shall not be received in payment of any debts due to the Government of the United States, or taken in exchange or deposit in any of the banks selected as depositories of the public money; and the Secretary of the Treasury is hereby directed to adopt such measures as he may deem necessary to carry this provision into effect.

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Mr. BELL then renewed his amendment, offered last evening to the bill, as follows: That the money which should be in the Treasury of the United States on the 1st of January, 1838, reserving the sum of five millions of dollars, should be deposited with the several States, according to the 13th, 14th, and 15th sections of the "act to regulate the deposit of the public moneys," approved 23d of June, 1836.

Mr. GRAVES addressed the House in favor of the amendment.

Mr. REYNOLDS, of Illinois, said: Mr. Speaker, this proposition standing pre-eminently above the necessity of argument to sustain it, I will consider some of the objections which are urged against it. It is contrary to the rules of this House to consider arguments which have been made in the Committee of the Whole. Although these arguments were used with no powerful effect in the committee last night, yet we are not at liberty to speak of them in this House. This is, in my opinion, like many other rules, positively against common sense, and against the advancement of the public business. The members composing the Com-

mittee of the Whole are the same who constitute this House, have the same faculties and reasoning powers in one case as in the other, and, I presume, have the same sentiments concerning this proposition in this House at this time as they expressed last night in the Committee of the Whole; yet we cannot combat these arguments here, and show their fallacy. The general and commonplace objection is, that there will be no surplus revenue in the Treasury to distribute. This argument was suggested to me by my friends who sit near me before I had the honor to address the Chair. It is to my mind an objection that is not even blessed with a relationship to good sense. It is an orphan in the world, without a godfather. Most objections, even if they are without foundation, can employ some sort of arguments to sustain them; but it is not the case with the one before us. Even the simplest statement of the case ought to put it to rest forever; that, if no surplus, no distribution. If there is no surplus revenue, the act of Congress will remain a dead letter in our statute books, and will be, in that respect, similar to a thousand other inoperative paragraphs in these books. I cannot see why a provision cannot be enacted, to be perpetual, and lasting forever, in relation to this policy. If it be right in one year, it will be proper and right at any other and at all other times. It would be a singular provision for a miller to have a wastegate to let the surplus water off his mill-dam for one year alone, and let the accumulation of water at other times break his dam. This may be considered a very humble comparison; but it is one known to everybody, and is, in my opinion, applicable to the case before the House.

Mr. Speaker, another objection urged against this measure is, that the proposition is not attached to its "yokefellow;" the amendment is not made to a proper and appropriate bill. I would appeal to the good sense of the members, who are now honoring me so much with their attention on this occasion, if it be not a singular time now, at the close of a short session, to make this objection. If we had time to devote to etiquette, and nice and strict ceremony, then the argument might be considered. These *secundum artem* gentlemen must have more time than we now have, to urge these objections with any hopes of success. I am not at all acquainted with nice dandyism; but I am told, by their rules and regulations, a person is the most genteel to wear a suit of clothes all of the same color; yet I see around me gentlemen clad in different colors, and still appear to a great advantage. So it will be with the amendment to the bill before the House. The proper officers of the Government will both find it and execute it, if we pass it.

Mr. Speaker, another objection is, that it is improper, and even some say it is unconstitutional, to raise a surplus fund for distribution. It would be extremely unwise to collect money and distribute it to the people again. I have

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no hesitation in saying that such an idea never once entered the heads of the framers of the constitution. It would be not only unwise, but absurd, to suppose the people would permit such an idle ceremony to go on, without either honor or profit to themselves. This proposition does not impose the necessity on Congress to raise a revenue to distribute it. It only provides, if there exist a surplus in the Treasury on the 1st of January, 1838, then, and in that event, to distribute it among the States in the proportion mentioned in the amendment. Such surplus existing in the Treasury, is a misfortune; but it is one from which we can be relieved with the greatest ease. In Governments, as in other things, we cannot expect perfection. The object of Government, in this respect, is to raise a revenue proportionate to the wants of the Government; but it is not in the power of the human mind, it is not in the compass of human wisdom, on all occasions, to make the revenue correspond with the expenditures of the Government. The means by which we raise our revenue are such that we cannot expect to make the one equal to the other on all occasions. When we have not enough revenue, we borrow to make up the *deficit*. When we have too much, why not send it back to the people in their State Legislatures?

I have, on all occasions, voted for every proposition to reduce the tariff duties, and to abridge the sales of the public lands in such manner as for the revenue to meet the wants of the Government. I think Congress has the power to remodel what is called "the compromise act." The sales of the public lands should be confined to actual settlers, and that at reduced prices, for lands which have been in market for a number of years. If this course had been pursued, and the proper reductions made, we would have had no trouble on the subject of the surplus revenue. I make no charges against the chairman of the committees having these subjects in their charge, of neglecting their duties; but I do not see why both the subjects of the sale of the public lands and the reduction of the tariff duties might not have been acted on at the present session. I was at all times ready to act on them, with or without speeches.

It is agreed on all sides that money is a dangerous neighbor, and has a corrupting influence. It is like Satan in the garden of Eden. Gentlemen who contend against this amendment say that this money will corrupt and injure the people and their State Legislatures by distributing it.

Mr. Speaker, I cannot discover the force of the argument that induces them to arrive at this conclusion. It may impose on the State Legislatures more business and responsibilities in the discharge of their duties; but it cannot have a necessary tendency to corrupt the people.

If this proposition be rejected, and the money

deposited in the pet banks, what will be the consequences? There is, to say the least of it, more danger of corruption in the latter case than in the former. These banks are private corporations, and responsible to nobody, further than they are bound by dollars and cents. They have the power, and will act to the best advantage to make money, and to retain the money that may be deposited with them. They are sharp and shaving and skinning in their operations, and will move in very acute angles to make money.

EVENING SESSION.

The House met at half-past four o'clock. The pending question was on the amendment to the amendment proposed by Mr. BELL, and which was under discussion when the House took a recess. The amendment to the amendment having, on motion of Mr. MERCER, been read,

The question then recurred on the adoption of the amendment to the amendment, and it was decided in the affirmative—yeas 114, nays 92.

So the amendment to the amendment was adopted.

Mr. MANN, of New York, moved to amend the amendment by inserting after the word "States" the following: "in proportion to the ratio of the representation of such States in the House of Representatives of the Congress of the United States."

Mr. M. wished merely to say that, in offering this amendment, he asked for nothing more than the vote of the House besides the principle contained in it, which presented the question whether the principles of the Constitution of the United States were to be adhered to or not.

Mr. YELL said: I voted, Mr. Speaker, against the amendment proposed by the gentleman from Tennessee, (Mr. BELL,) because I am of opinion that this bill, if passed, and sanctioned by the President, (and I trust that it never will receive the countenance of that distinguished man and illustrious statesman,) will at once establish a system demoralizing and corrupting in its influences, and tend to the destruction of the sovereignty of the States, and render them dependent suppliants on the General Government. The power and patronage of this Government should not thus be perverted for the base purpose of degrading and withering the independence of the States; that glorious independence, Mr. Speaker, which, sneer at it as gentlemen may who come from particular sections of the Union—sections, sir, where aristocracy is getting the mastery of our democratic and federative principles—must be the last bulwark of liberty. But, sir, I am opposed to this measure on other and not less tangible grounds. Sir, I behold in this plan of distribution, what every enlightened mind can readily discover, a deep and a matured plan, conceived and nurtured by the high tariff party, to continue and consolidate

their odious scheme of injustice and oppression. And, strange as it may appear, it is now advocated, and probably will receive the votes of gentlemen from the Middle and Southern States, once the uncompromising opponents of the tariff principle, but who now are ready to fall at the foot of Baal, and sacrifice former principles and professions for the purpose of filling their State treasuries at the expense of the people—by recognizing and establishing a system of taxation as oppressive as it is unconstitutional. And, sir, the brave and hardy people of the young and vigorous State which I have the honor to represent, are called on to subscribe to such heresies and denationalizing dogmas. The man who expects any thing of the kind from the people of Arkansas knows but little of their character; or, knowing it, would basely misrepresent them, and bow at the temple of Mammon.

This measure of distribution, since it has been a hobby horse for gentlemen to ride on, has presented an anomalous spectacle. The time yet belongs to the history of this Congress, when honorable gentlemen from the South and the West were daily found arraying themselves against every species of unnecessary taxation, boldly avowing that they were opposed to any and all tariff systems which would yield a revenue beyond the actual wants and demands of the Government. Such was their language but a few weeks or months ago; and, in proclaiming it, they struggled hard to excel each other in zeal and violence. And now, sir, what is the spectacle we behold? A system of distribution, another and a specious name for a system of bribery, has been started; the hounds are in full cry; and the same honorable and patriotic gentlemen now step forward, and, at the watchword of "put money in thy purse; ay, put money in thy purse," vote for the distribution or bribery measure, the effect of which is to entail on this country a system of taxation and oppression which has had no parallel since the days of the tea and ten-penny tax—two frightful measures of discord, which roused enfeebled colonies to rebellion, and led to the foundation of this mighty republic. But we are told, Mr. Speaker, that this proposed distribution is only for momentary duration; that it is necessary to relieve the Treasury of a redundant income, and that it will speedily be discontinued! Indeed, sir! What evidence have we of the fact? What evidence do we require to disprove the assertion? This scheme was commenced the last session; it has been introduced to this; and let me tell you, Mr. Speaker, it never will be abandoned so long as the high tariff party can wheedle the people with a siren lullaby, and cheat them out of their rights by dazzling the vision with gold, and deluding the fancy by the attributes of sophistry. Depend upon it, sir, if this baleful system of distribution be not nipped in the bud, it will betray the people into submission by a

species of taxation which no nation on earth should endure.

Mr. Speaker, I will not wantonly impugn any man's motives, nor will I speak to wound any man's sensibility; but I must be permitted to speak plainly and with candor, and I trust no one will deem me discourteous if I frankly remark that the conduct of certain Southern gentlemen, in relation to this subject, has been, to say the least of it, equivocal, and has almost tempted me to doubt the evidence of my own senses. Are they sincere and disinterested? It is not my province to doubt them; but let me say, sir, that they appear to demonstrate by their acts a degree of insincerity, if their former professions can be relied on; for, though once loudly clamorous against the tariff, they are now found engaged, by means not decidedly indirect, opposing any measure that has a tendency to reduce taxation. They assail the land bill, because it would reduce the tariff some \$15,000,000 or \$20,000,000; and show most clearly and conclusively, by their votes, that they will not go for those measures of reduction for which the South has so long contended. Their only object now appears to be the creation of a redundant Treasury, for the miserable purpose of distribution.

Mr. Speaker, this scheme of accumulation and distribution presents to the world a spectacle equally to be deplored and ridiculed. To combat it with argument would be to waste the time of the House and the country in discussing an absurdity. The whole system is not only wrong, but it is contemptible. What is it, sir? Ay, sir, what is it? It is a scheme to tax the South and West, to protect the manufactures of the North—of New England—that section of the country which is now engaged in generating agitation and strife, for the openly-avowed purpose of sapping the institutions of every State south and west of the Potomac, and rendering them mere colonial dependencies, the servile hacks and serfs of New England. It is a scheme to tax you and me, sir, and the Sergeant-at-arms, if you please, by the way of analogy, for the purpose of putting into our pockets ten cents out of every dollar that the hand of oppression took out of our pockets. The scheme, sir, to say nothing of its injustice, is contemptible; it is unworthy of the enlightened age in which we live; it sets all the principles of political economy at defiance, laughs Adam Smith, Say, Ricardo, and Bentham, to scorn; and where, let me ask, was the world ever before regaled with the spectacle of a people's taxing themselves to the tune of millions, for the purpose of paying the surplusage back again, at a discount of ninety per centum; taking from the citizen a dollar, for the purpose of giving him ten cents? But, sir, I will not discuss a proposition so monstrous.

Mr. Speaker, I appeal to gentlemen to say if they are prepared to oppose a proposition to reduce the revenue to the wants of the Gov-

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ernment, by reducing the tariff on imports; or by the passage of a land bill, if they were certain that the surplus was to remain in the Treasury. I am satisfied that no gentlemen would vote for a system which would tend to fill the Treasury, without a certainty of their receiving a portion of the plunder; and yet we find those very men, by their votes, filling your public coffers so as to enable them to receive their portion of the spoils.

Sir, (continued Mr. Y.,) I enter my protest against a system of bargain and corruption, which is to be executed by parties of different political complexions, for the purpose of dividing the spoils which they have plundered from the people. If the sales of the public lands are to be continued for the benefit of the speculators who go to the West in multitudes for the purpose of legally stealing the lands and improvements of the people of the new States, I hope my constituents may know who it is that thus imposes upon them a system of legalized fraud and oppression. If, sir, my constituents are to be sacrificed by the maintenance of a system of persecution, got up and carried on for the purpose of filling the pockets of others to their ruin, I wish them to know who is the author of the enormity. I had hoped, Mr. Speaker, and that hope has not yet been abandoned, that, if ever this branch of the Government is bent on the destruction of the rights of the people and a violation of the constitution, there is yet one ordeal for it to pass, where it may be shorn of its baneful aspect. And, Mr. Speaker, I trust in God that, in its passage through that ordeal, it will find a *quietus*.

Mr. Boon said that if the proposition then under consideration, to distribute any portion of the surplus revenue among the States, that may be in the Treasury on the 1st day of January, 1838, should become a law, he sincerely hoped that the amendment offered by the gentleman from New York (Mr. MANN) would be rejected by the House. Sir, (said Mr. B.,) a more unjust proposition towards the new States could not have entered into the mind of man than the one proposed by the honorable member from New York; and, more especially, the State which Mr. B. had the honor in part to represent on the floor of Congress. Sir, (said Mr. B.,) if a distribution of the surplus revenue (if any there be) shall be made upon the basis of representation in the House of Representatives, manifest injustice would be done to all the new States.

Under the census of 1830, the State of Indiana is entitled to seven Representatives upon this floor; whereas, at this time, from the increase of population since the year 1830, Indiana would be entitled to at least twelve, if not thirteen, Representatives in Congress under the present ratio of representation among the several States; whereas, in most of the old States, the increase of population since the year 1830 has not been such as to increase the number of their Representatives in Congress under the

present ratio, apportioning the number of Representatives in Congress among the several States of the Union. Now, Mr. Speaker, I ask if, under this view of the subject, manifest injustice would not be done to the new States, should the amendment offered by the gentleman from New York be adopted by the House.

Mr. B. said that he had voted for the distribution bill of the last session of Congress, and he had just voted for the same principle by way of amendment to the bill now under consideration; but he would take the opportunity then afforded him to say that, in both instances, he regretted most sincerely that circumstances should have compelled him to vote for or against the measure. Mr. B. said that he had, on all proper occasions, opposed the policy of taxing the people for the purpose of raising a surplus revenue, to be distributed among the several States, as such a system would be to tax the many for the benefit of the few. Gentlemen might endeavor to make the system popular, by pretending to return to the dear people that which they have been instrumental in wresting from the pockets of the people, by an unholy system of taxation not demanded by the wants of the Government.

Mr. B. said that he had not yet given up to despair. He yet felt encouragement in the firm conviction that the day was not far distant when the freemen of this country would indignantly throw off the shackles that have already too long enslaved them, and would not longer be humbugged by false pretences of having returned to them the money which has been wrested from their pockets, by a system of over-taxing the many for the benefit of the few. The people are now told by a certain class of politicians that there is remaining in the Treasury a considerable amount of money over and above the wants of the Government, which ought to be returned to, and distributed among, the dear people of the several States. And how, I ask, is it to be effected with advantage to the great body of the tax-paying community? Why, sir, after an odious and unjust system of taxation has been fastened and riveted upon the people, by which a large surplus revenue is produced, and after deducting about twenty-five per cent. for collecting the same, it is then most graciously proposed to distribute the remainder thereof among the several States, in order that it may again return to the dear people, whose interest and future welfare are always so near the heart of the political demagogue.

The tax-paying people of this country first earn the money that pays their taxes under the authority of law, by the sweat of their brow, and by the sweat of their brow they will have to re-earn their respective portions of the surplus revenue when it shall have been deposited in the State treasuries. The true question to be decided by the people of this country is, shall there be a new and novel policy introduced in this Government, which has for its object the

raising of a surplus revenue for distribution among the States; or shall the taxes of the people be reduced to the legitimate wants of the Government? This is the only true issue to be made before the people; and to this question the public mind should be particularly drawn by all those who stand opposed to monopolies, and all privileged orders of every character whatever.

The people will be fully satisfied in a short time, that the depositing of the surplus revenue in the several State treasuries will not have the effect of again returning to the people their respective portions of the money that has been unnecessarily and unrighteously drawn from their pockets by an unjust system of taxation by the General Government. Mr. B. said that, in looking into this subject of creating a surplus revenue to be distributed among the States, he could view it in no other light than having a direct tendency to destroy the independence of the State Governments; and, if possible to do so, to corrupt the people themselves with their own money. The question of every wise legislator in Congress should be as to the best mode of reducing the taxes already imposed on the people so as to raise a sufficient amount only of revenue to supply the legitimate wants of the General Government, and not as to what shall be done with the surplus revenue. Reduce the burdens of taxation now imposed upon the people, to the wants of the Government, and leave the surplus where it should be—in the pockets of its rightful owners.

Mr. McKEON said he was satisfied, from the course the debate had taken, that a general impression existed that something ought to be done, and without delay, to remedy the difficulty in which the country was now placed by its overflowing Treasury. He, in common with many who had addressed the House on this subject, believed that a reduction of the revenue ought to be attempted; and he thought that a favorable opportunity was now presented to gentlemen who were anxious to reduce our receipts, to exhibit the evidence of their zeal. The tariff bill offered a fair opportunity. He inquired of the Chair if it would be in order to offer, as an amendment, the bill of his colleague, (Mr. CAMBRELENG,) or the bill from the Senate in relation to a reduction of the tariff. (The CHAIR said it would not.) Sir, if it is not in order, I must submit. I am disposed to believe that if distribution is now before us, the measures which would reduce your revenue might not be out of place. On every side it is admitted that your income far exceeds the wants of the Government; and yet, it appears, we are called upon to continue legislation calculated to keep up this strange system. I was one of that small minority which, at the last session of Congress, voted against your deposit bill, as it was called, but a distribution bill in fact. I have seen that minority more than doubled on the vote just taken. I have not regretted, as yet, the opposition which I gave to the system

of distribution: I saw in the scheme the means of fastening upon the country a high tariff. Opposed, as I am, to raising unnecessary revenue from the people; educated in the school of politics which insists that the Government should be administered economically; that the industry of the people should not be taxed beyond what is absolutely required for the wants (and those wants limited) of the Government, I could never assent to the doctrine which sanctioned unnecessary taxation, and plundered the poor for the base purpose of enriching the public coffers. Gentlemen say this is returning the money to the people. I am aware it is by this plausible argument they wish to deceive the people into a support of this new principle. All I ask is, that gentlemen will not take the money from the people. It never can be returned to the individuals from whom it is taken. It is taken from every human being who consumes an article of food or raiment. You tax the bread the poor man eats, the coal that warms him, the blanket that covers him. You plunder him in various ways, and proclaim, at the same time, the fact of an overflowing Treasury. Why, sir, is not this the purest form of oppression? Is not this exercise of power of taxation not for the purposes for which the Government was formed, but for other purposes, sufficient to arouse the people? Who will insist that, by any process, the same amount of money collected, which is abstracted, can be returned to the same individual?

I am astonished to find upon this floor the strange association which is presented of those who have been distinguished as the opponents of a high tariff united with those who have been its inflexible and warmest supporters. I am more astonished to find gentlemen who are known to belong to that sect in this country characterized by devotion to a strict construction of the constitution, advocating a doctrine which, some years since, was denounced by a Senator of the highest standing as unconstitutional, dangerous, absurd, and inexpedient, and would convert the Government into an office of collection and distribution. I refer to one who has been looked up to as the head of that ultra strict construction school. And yet we find those who profess to follow these lights, and to be guided by this wisdom, proclaiming their attachment to this same principle of distribution. Not a man of them who would not denounce any plan to interfere with the domestic arrangements of the several States; and, nevertheless, are promoting, indirectly, the very measures they are opposed to. What must be the result of your distribution? The States will rely upon the General Government; they will turn their eyes towards this Capitol as the point from which golden streams are to be poured forth upon them to carry on their internal improvements; you will make the States dependent upon the General Government, instead of this Government dependent upon the States: in a word, you will change the whole

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form of your Government, you will destroy its nature, and, instead of having it simple and economical, you will transform it into one complicated and extravagant.

Mr. TURRILL then demanded the previous question, but the House refused to second it—yeas 75, nays 110.

The debate was then resumed.

Mr. VANDERPOEL said he would vote for the amendment of his colleague, (Mr. MANN,) though he had voted against the bill of the last session—a vote of which he was rendered prouder and prouder by every additional day. He would vote for the amendment of his colleague, not because he favored the principle of distribution, for it was a principle so obnoxious to him, that, do what you please, he could not vote for or compromise it; but if we must have distribution, let us, at least, have such a ratio as shall possess something like the semblance of justice. The amendment of his colleague provided that the surplus should be distributed according to the same rule by which the money was raised by taxation from the people. The rule for distribution adopted by the act of last session was wholly indefensible.

Mr. V. said he had very attentively noticed the yeas and nays upon the proposition for this new distribution, which had just been carried; and though he had often heard of Yankee acuteness and sagacity, though he had often, while he had been connected with the deliberations of this House, seen them most strikingly exemplified, he had never seen them more signally illustrated than on this occasion. Gentlemen from the tariff districts of the East, and many gentlemen from the South, in relation to the subject now before us, were going hand in hand, and sailing in the same boat; but, without much disparaging the sagacity of gentlemen from the South, he must be permitted to use an old and homely adage, and say that the Yankees "best knew on which side their bread was buttered." He had, as he had observed, often had occasion to admire the cool, keen, and calculating sagacity of the sons of the East, especially when contrasted with the more impetuous temperament which characterized another quarter; and the vote which had just been taken afforded a new subject for such admiration. Look over the yeas and nays just taken, and recorded, and see whether you can find a single gentleman representing a high tariff manufacturing district who has voted against this second and most mischievous plan of distribution. While one Southern gentleman here and another there drops off and goes for distribution, opposed as it is to the principle of reduction, the tariff representatives of New England march off in solid phalanx, in support of this scheme. Sir, they know well what they are about. Their keen sagacity has told and disclosed to them what their policy is tending to. They know that the policy of distribution is opposed to the policy of reduction, and therefore they go to a man for the former. He (Mr.

V.) was surprised to see gentlemen from the South drawn into a scheme for the support of the high tariff policy.

[Mr. MASON, of Ohio, here called Mr. V. to order for making personal reflections; and the CHAIR decided that Mr. V. was not out of order.]

Mr. V. said he had not made, nor did he intend to make, any personal reflections. Gentlemen were, no doubt, pure and patriotic in the course they were taking; but he surely had a right to say that the gentlemen who represented high tariff districts knew best what they were about; that this miserable and demoralizing scheme of distribution would serve long and copiously to oil their spindles, and give new impetus to their shuttles, whilst its effect would be any thing but benignant upon the Southern planting States. He had a right to say, and he would say, that this plan of distribution number two exhibited an amalgamation of differing parties, and that some opposed to a tariff, and others in favor of a high tariff, were here now found in a most unnatural union. Year after year had the high ultra-tariff party in former years addressed to you the horse-leech cry of "Give, give us more protection." The general sentiment of the country now is, that they had been most inordinate and unreasonable in their demands for protection. Their cupidity had well nigh dissolved the Union. Their own laws and their own measures had swelled your revenues much beyond the wants of the Government; and now they found themselves in a position of much peril. He could not say that he was destitute of all sympathy for them, as the manufacturing interest in his district was a very important one. It embraced many gentlemen for whom he had a high regard. Still he must and would repeat what he had said shortly after the commencement of this session, that if the alternative were presented to him, "Bring down your revenue at once to the wants of the Government, or perpetuate this policy of distribution," he would not hesitate to go for reduction. If gentlemen would not pass the land bill, if they would not do any thing to terminate the evil of a plethoric Treasury, and avert the evils inseparable from perpetual distribution, they leave us, who deprecate those evils, no option; we must go at the tariff, and strive to bring it down to the wants of the Government. Was there any gentleman here of such superficial vision as not to be able to see that the present movement was an effort to fix permanently on the country, by the seductive feature of distribution, a rate of taxation far beyond the necessary wants of the Government?

Mr. McCOMAS rose and addressed the Speaker. He said that heretofore he had remained silent in this debate, and thought it was better to act upon the question than to waste the precious time of the House in fruitless discussion. But from the gratuitous remarks of the gentleman from New York (Mr. VANDERPOEL) he felt himself compelled, in defence of himself and those whom he acted with upon this question, to

make a few remarks. The gentleman seems to feel a deep concern for the interest of our constituents. He thinks they are misrepresented upon this floor. Mr. MoC. said he had no doubt but that his constituents would feel under lasting obligations to that honorable gentleman for his kind interposition, for his able and manly defence of their interest on this floor. If they did not, he should think it base ingratitude, as the honorable member was, out of the superabundance of his kindness to them, compelled, as a matter of necessity, to misrepresent his own constituents. He said this generous disinterestedness could not fail to meet its reward in the approbation of a grateful and generous people. Mr. MoC. said he would assure the gentleman that that was the character of the people he had the honor to represent here.

The honorable gentleman seemed to be struck with horror at the idea of Southern gentlemen voting for this bill. He has exhibited the tariff, in its most frightful form, to their imaginations, and gravely inquires if it is the policy of Southern gentlemen to rivet a protecting tariff on the South. Mr. MoC. said this scarecrow had been too recently dug from its grave to inspire him with any terror. He thought the veil of the gentleman was too thin to conceal his true course from the gaze of the Southern people. The South was not so completely harnessed in party shackles, as to be rallied by this war-whoop, to make a common cause against the passage of this bill. They have been too long fed by empty professions. They look upon this question in a sober light; they say to these friendly gentlemen of the North, whose burden of song is free trade and a reduction of duties, why is this measure not effected? What prevents the passage of a law to that effect? Has not the administration a majority in both Houses of Congress? Is it not in their power at any moment to take up that subject in preference to all others? Sir, it is too plain, this pulse feeler, or tub to the whale, will not do.

Mr. MoC. said the bill for reduction had been introduced at an early period of the session, and had been quietly sleeping on the table to the present time; the people in the South all this time anxiously waiting to see the action of Congress upon the subject. Where was the zeal of the gentleman for the South all this time? Sir, it slept upon the table with the bill. How can we account for the new-born zeal of the gentleman, at this late hour of the night, to wish to have appended to that bill a bill ripping up and changing the whole tariff laws of the country? Does that gentleman think that a question so complex in its nature, and combining such a variety of interests as the subject of the tariff, can be adjusted in fifteen minutes. Mr. MoC. said that this subject might be plain to the mind of that gentleman, yet he confessed it was one of great difficulty to him, and he was not prepared to vote upon a bill making such radical changes in the settled policy of the country, without hearing it amply discussed, in

all its bearings. And no man could believe that a measure of such magnitude could be properly matured at this late period of the session; nor did he believe that it was ever intended to be discussed or passed this session.

[Here Mr. CAMBRELENG interrupted Mr. McCOMAS, and said that, from the extraordinary course of the present Congress, he had not been able to have the appropriation bills acted on.]

Mr. McCOMAS replied that the administration held the destinies of all these matters in their own hands, and could give them any direction they pleased. The Southern people would be amused when they came to learn that their zealous advocate for State rights and a strict construction of the constitution, and for a reduction of the tariff, avowed himself, at the same time, a representative of a tariff district. It seems to me the honorable gentleman has over-cropped himself. He will find it a difficult matter to look both ways at the same time. To use a homely figure, he reminds me of the Indian who complained that he often suffered from cold because his blanket was too short. When he covered his head his feet were naked, and when he covered his feet, his head was naked. So, sir, upon the whole, I think the honorable member had better attend strictly to the interest of his own constituents, and leave the interests of other people to their representatives.

The gentleman has said that we are taxing the people for distribution. This appears to be a talismanic word with those gentlemen who wish to keep the money. Mr. MoC. denied that one dollar of the surplus money was raised by taxation. It was from the sale of property. It was from the sale of public lands, the common property of the people of all the States. He said it had not occurred, he supposed, to those wise lecturers, that the customs for the last three years had not paid the expenses of the Government, or any thing like it; and but for the extraordinary sales of the public lands, we should not have one surplus dollar in the Treasury, but, on the contrary, we should have been bankrupt. And yet we are continually told, if we divide out the sales of the public lands among the people, it is levying a tax upon them. Sir, if putting money in the people's pockets is taxing them, then they will not be apt to complain of the burdens of taxation. The fund accruing from the sales of public lands has, in my judgment, been improperly put into the National Treasury. Mr. MoC. said he believed it was a direct violation of the deed of cession, made by Virginia to the Federal Government. By that deed, it will be seen that all the land that remained unsold, after the objects of the grant had been complied with, was to be the common property of all the States, Virginia inclusive.

To call upon the States for the money deposited with them would be a ruinous policy. Many States have already embarked in ex-

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tensive works of internal improvement upon the faith and credit of that money—improvements that are opening a thousand avenues to wealth and prosperity, and will enable these local communities to develop their full resources; and to call for that money now would be political madness, and few men would like to take the responsibility of such a measure. Gentlemen make long and labored arguments to prove, what nobody denies, that Congress may repeal the compromise act. Sir, I am not in favor of collecting more revenue than is wanted for an economical administration of the Government; yet, in bringing the Government to that standard, some respect should be paid to the great and leading interests of the country; to the time and manner this thing should be done; and, sir, without a more urgent necessity than now exists, we should await the operation of the compromise bill. Sir, the foundation of this Government was laid deep in the principles of compromise. The same elements of discord existed at the formation of the Federal Government that exist now. The constitution was formed by mutual concession of all parties; and, to be administered fairly, it must be done in the same spirit. Sir, it cannot be forgotten that this Government, in the course of its administration, called Northern capital from the ocean, and compelled its owners to employ it upon land; and by a series of legislation, whether right or wrong, in some measure plighted the faith of the Government to that policy. Sir, the painful controversy between the North and the South upon this question is fresh in the recollection of this House—a controversy that shook this confederacy to its centre; yes, sir, a controversy that threatened a dissolution of this Union, and the arraying brother against brother in deadly and mortal combat—an event that every trembling patriot must have regarded as the funeral knell of departing liberty.

Mr. PICKENS said he came from a State which would be affected very little by either ratio of distribution that might be adopted; it made very little difference to South Carolina what ratio of distribution might be established. Her combined representation in both Houses bears nearly the same proportion to the combined representation of all the States, as her representation in this House bears to the whole representation here. But he, (Mr. P.), if he gave any opinion on the subject, was bound to confess that he considered that ratio which had been adopted last year a more just and equitable one than the ratio now proposed to be made by this amendment, according to the representation on this floor alone. It ought to be borne in mind that the revenue to be distributed did not accrue from direct taxation; on the contrary, it was a fund principally derived from the sale of lands. Mr. P. did not consider that branch, strictly and technically speaking, public revenue; at least, it did not arise from taxation, because those persons who had paid

this money had received a full equivalent for the same; there was a *quid pro quo* on both sides; and this was not taxation, it was a sale; the parties therefore from whom this money was derived had not been taxed. He (Mr. P.) had heard it urged that those States where public lands were sold, raised immense revenue, as if it were a burden; whereas, their people had received a full consideration for all the money they had paid into the Treasury. This was important to be considered. Now, in determining the ratio of distribution or deposit of funds thus derived, it would be difficult to fix any ratio exactly equal. But he (Mr. P.) was most willing—nay, he was most anxious—to adopt that ratio which came nearest to strict justice; and it certainly appeared to him that the ratio based upon the mere ground of representation in this House was not the most just, because the fund was derived not from direct taxation, but from sales of public lands and imposts. According to the most generally received doctrine, (but which was not strictly true,) import duties were paid according to consumption, and consumption was according to population. In this point of view, a distribution according to representation in this House would exclude two-fifths of a certain class of our population in a certain section of this Union, and would not do justice. But, further, it was well known that in certain States there had been a large increase of population since the last census. For instance, there were Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, and Michigan: some of these States had doubled their population, and more justice would be done them by the combined ratio than the single. The ratio of both Houses combined would approach nearer justice than any other we could adopt.

The funds raised from the sale of public lands were strictly trust funds; and this Government was created a trustee under the grants of territory from Virginia, North Carolina, South Carolina, and other States, which were, to a great extent, limitations on the trust power. The act ceding these lands is in these words: "That the said lands shall be considered as a common fund, for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of said States, Virginia inclusive, according to their usual respective portions of the general charge and expenditure; and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

Mr. P. then maintained that it was the duty of the Government, after all demands against it were satisfied, to deposit the surplus remaining, so that the States should receive the "use" and "benefit," as far as possible, intended by those States originally ceding the lands. He contended that it was not only sound policy, but our duty. The question as to a deposit of the surplus revenue, was one between the safety and propriety of State corporations, selected as

deposit banks, and the States themselves; and how any gentleman could hesitate between the two systems, he was at a loss to perceive. The one system gave us the unknown and dangerous power of banks, the other the faith and the stability of the States; and, whatever benefit might arise, the citizens of the States could receive it, instead of corporations with exclusive privileges.

Mr. PEARCE, of Rhode Island, rose and said he thought it necessary for every gentleman to exercise a little philosophy on the present occasion. He (Mr. P.) had voted generally with the honorable gentleman from New York, (Mr. VANDERPOEL,) but he had not entered into collision with any one in the vote he had given. He thought it did not come with good grace from New York to oppose this bill, on the ground that Rhode Island, Delaware, and other small States, received a small fraction more than they were entitled to. He confessed it was not, perhaps, pleasant to come from a small State; for, if it gained a little but once in a hundred years, there was no end to the reproaches made on that account. Mr. P. asked if it was fair and liberal in New York not to be satisfied? New York might be called the ruling city; there they generally had seven or eight millions on hand, of which they were always receiving the benefit, and yet they were not satisfied. And yet it might be shown that New York had received nearly seven millions more than it was entitled to. When he (Mr. P.) saw that great State arrayed to deprive the small States of the little which they received, he felt himself called upon to lift up his voice against it. He (Mr. P.) had voted against the amendment of the gentleman from Tennessee, (Mr. BELL,) because he was not willing to record the idea that there would be a surplus revenue to divide among the States; he did not wish to give an argument in favor of a bill which his honorable friend from New York (Mr. CAMBRELENG) had called a free trade bill; he did not wish to see that bill introduced; but, if there should be a surplus to divide, it might be provided for by a bill afterwards, to be brought in for that purpose; and then, in such an event, he should go upon the ground that it ought to be divided according to the ratio of the States, and not upon the ratio of the representation in the House.

Mr. DENNY, in reply to the observations of Mr. VANDERPOEL, observed that he (Mr. VANDERPOEL) had not pointed out who were the true horse-leeches, crying "give, give." He contended it was not the States to which this appellation ought to be applied, but, on the contrary, to the banks. They had the money for their benefit; among them it was distributed, and the country called upon them to disgorge. They were the true leeches; they held on; and if gentlemen voted in the views of that honorable gentleman, (Mr. VANDERPOEL,) they would still be permitted to hold on. We are (said Mr. D.) in possession of a surplus which

is not derived from revenue, but from the sale of the public lands. The honorable gentleman (Mr. VANDERPOEL) alleges that the distribution of this surplus among the States will have a most ruinous tendency; it will make the Union a mere rope of sand. These he (Mr. D.) thought extraordinary arguments; we shall live over all this; the danger which the honorable gentleman threatens is not to be apprehended; but, on the contrary, great danger is to be apprehended if such a surplus is left at the discretion of the Government, to be loaned out at its pleasure to banks in every section of the country, thus enabling the Government to exercise a control over all parts of the Union, of an extent and of an intensity without parallel in any country in the world. But the honorable gentleman, (Mr. VANDERPOEL,) instead of going into the merits of the case, and placing these things in their true light, has adopted a different course, and has contented himself with passing in review the different votes which have been given by different gentlemen on this question. Why is this? Why has he not rather discussed the real merits of the question? Instead of the merits of the case, he has brought into the field the feelings of gentlemen, as if the better to operate by an appeal to feelings rather than to argument. He (Mr. VANDERPOEL) has spoken of the horse-leech, and has characterized by this appellation his own constituents. Let them judge for themselves how far they merit the term. To him it appeared New York was more deserving the term than any other section of the country; for, out of twenty-two millions from the customs, New York received thirteen millions, which was paid there; and who, then, he would ask, was the horse-leech?

Mr. ROBERTSON said he would not be so unreasonable as to detain the House at that late hour. He rose merely to make his acknowledgments to the gentleman from New York, (Mr. VANDERPOEL,) who had so kindly undertaken to represent the State of Virginia. The gentleman had only followed the example of the State from whence he came, in taking the old Commonwealth under his especial protection; and, as one of her representatives, (said Mr. R.,) I feel myself bound, with all due humility, to acknowledge the favor. Those whom she has confided in to represent her, it seems, have mistaken her interest and their own duty. We have been outwitted, the gentleman tells us; gulled by a Yankee trick into the support of a measure which will fasten upon our constituents the present ruinous tariff. The Northern gentlemen very consistently urge a distribution of the surplus, in order (says the gentleman from New York) to prevent the success of any plan for reducing the revenue and diminishing the high rate of duties; and we of the South, who vote with them, are the dupes of their superior cunning. Sir, the gentleman himself is entitled to great credit for his own wonderful acuteness, which enables him so clearly to see through the designs of these very

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sagacious politicians; and it is kind in him to apprise us of our danger. I should like to have heard him assign the reasons why New York, some years past, so much in favor of distributing the surplus, is now so decidedly opposed to it. The true reason might perhaps be found to be that, having always a very large share of the public funds, she gains more by keeping what she has than by coming into a fair division. But, without attempting to account for the motives which influence others, I will very frankly tell the gentleman the reasons that induce me to vote for a distribution. Sir, it is with no view, as he would insinuate, of keeping up the present tariff, but with a view to counteract it. Is it to be endured that the gentleman from New York, who belongs to the dominant majority—to that party which professes so strong an interest for the South, and so much hostility to this tariff—should taunt Southern gentlemen of the minority with a design to co-operate with the North in keeping it up? If he and his party are sincere in their professions, why have they, who wield the whole power of legislation, permitted the South so long to be plundered by this unjust system of taxation? Why suffer it to oppress us for a day, when they have the power at any moment to repeal it? Why has the scheme of reduction proposed during the present session been permitted, until this late day, to slumber upon the table.

Sir, it is because we have no confidence in their professions that we are compelled to take the only means left us for redress, by restoring to the people of the South what this democratic majority continues to exact from them. It is this consideration—the conviction that the surplus revenue, whether derived from the sales of the public property or from the operation of an oppressive and unconstitutional tariff, belongs to the people, and would be worse than wasted by being left to the disposal of this Government—that induced me to support the proposition last year for distributing it. Upon the same principles, until the ruling party shall reduce the tariff, or take some effectual method for limiting the revenues to the just wants of the Government, I will vote for a distribution; I call it a distribution, because in truth no one expects a dollar will ever be called for by this Government. Only consider, sir, what would have been our present condition, had the act of the last session not been passed. We found in the Treasury, on the first day of January last, an unexpended balance of about fourteen millions remaining of the sums appropriated for the service of the last year; about six millions more it is thought remained unexpended, in the safe keeping of the disbursing officers. We distributed among the States about thirty-seven millions, making, together, about fifty-seven millions; add to this the estimated amount of receipts into the Treasury during the current year, and you would have had an aggregate sum of ninety or one hundred millions of dol-

lars, perhaps even more, to be disposed of at the present session. What, sir, should we have done with it? We appropriated, last year, about twenty millions more than could be expended. Should we have been called upon still to increase our extravagant and enormous appropriations to accumulate still larger balances? Yes, sir; and then we should have applied all that could not be wasted in useless fortifications, splendid custom-houses, high salaries, and corrupt jobs of every sort, to carry on an unjust system of internal improvements in the Northern and Western States, from which the Southern people would, as usual, have derived little or no benefit. Sir, it is true, as the gentleman from New York says, the people of the South have been gulled; they have been gulled with promises of retrenchment long enough, while suffering from the oppressive exactions of this Government, and have at length, I trust, awakened to a proper sense of their rights and of their interest.

Mr. HOAR proceeded to show that he did not advocate taxation for the sake of distribution; that man, he thought, would deserve a straight jacket, who would think of such a thing; but he viewed this money, not as the proceeds of taxation, for it came from the sale of lands, not from taxes of any kind imposed upon the people. Mr. H. concluded by laying down this proposition: that of all curses which can be inflicted upon a country, a course of legislation characterized by sudden changes, compelling the citizens frequently to change their pursuits and employment, is the greatest curse; this he held to be a proposition which no one could deny. The reverse of this is the side of the bread on which the butter lies.

The question was then taken upon agreeing to the amendment of Mr. MANN, and decided in the negative.

Mr. CAMBRELENG then submitted the following proposition, by way of amendment to Mr. BELL's amendment, which he said he would do without one word of debate:

Be it further enacted, That from and after the 31st of December next, in all cases where duties are imposed on foreign imports by the act of the 14th of July, 1832, entitled "An act to alter and amend the several acts imposing duties on imports," or by any other act, which shall exceed 20 per centum on the value thereof, one-third part of such excess shall be deducted; from and after the 30th of June, 1833, one-half of the residue of such excess shall be deducted; and on the 30th of December, 1833, the other half shall be deducted; any thing in the act of the 2d of March, 1833, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That, from and after the 30th September next, the duty on salt shall be, and the same is hereby, repealed.

Mr. BELL raised the point of order whether such a proposition, being of a distinct and substantive character, in no way analogous either with the bill or the amendment, could be

moved; and, also, that it was the same as a bill already before the House.

The CHAIR (temporarily occupied by Mr. BRIGGS) decided against the point, on the ground that the amendment was not the same as the bill in question.

Mr. CAMBRELENG asked for the yeas and nays on the adoption of his proposition.

Mr. MERCER then took an appeal from the decision of the Chair that the amendment was in order.

The question was taken on the appeal, and decided in the negative—yeas 94, nays 97.

So the House reversed the decision of the Chair.

The question then recurred on the amendment, as amended.

The question was then taken on the amendment of the Committee of Ways and Means, as amended by Mr. BELL, and decided in the affirmative—yeas 110, nays 84.

So the amendment was concurred in.

Mr. PATTON said he desired to say a few words before the question was taken, not for the purpose of discussing the principles of the deposit act, but for the purpose of explaining distinctly the grounds of the vote he was about to give, and which might perhaps otherwise be misunderstood. I was one of those, Mr. Speaker, (said Mr. P.,) who zealously and strenuously supported the bill of the last session, directing the deposit of the surplus revenue with the States. I considered it and intended it bona fide as a deposit, and not as a distribution; and in that point of view, and looking to the actual circumstances in which we were placed, I then thought it a most salutary, necessary, and constitutional measure. I have seen nothing and heard nothing which has at all shaken my confidence in the wisdom of that law; concurring fully in the denunciations against any system of raising revenue for the purpose of distribution as inexpedient, unjust, and unconstitutional, I am utterly unable to comprehend the force or justice of the effort which is made to apply these denunciations to a measure which proposes to deposit with the States that revenue which has been unnecessarily taken from the pockets of the people, which it is found impossible to expend, even by the most liberal appropriations of every kind, and which, if not thus deposited, must remain deposited with numerous banks, and the benefit of this common property of the whole, in the shape of interest, discounts, &c., be employed by those immediately interested in those institutions, instead of being placed in such a situation, under the control of the Legislatures of each State, that the benefits and advantages of these funds, unnecessarily and improperly drawn from the people, may be, to some extent, and to a very considerable extent, diffused among those from whom it was improperly taken. All the declamation which has been written and spoken, all the apprehensions which have been expressed as to the danger of corrupting the people and the

States, and laying them prostrate at the footstool of this Government, are bugbears which do not frighten me in the least. I have, therefore, no difficulty whatever in sustaining the principle of the deposit act, and renewing its provisions for the disposition of a surplus, which accumulates in spite of all the efforts I can make to repeal or modify those unjust and oppressive laws by which this surplus is raised. It is, in my opinion, the best possible disposition that can be made of such a surplus. While these are my opinions, I have voted against the introduction of the amendment proposed by the gentleman from Tennessee to this bill. I think it an inappropriate place for the law. This is a bill making the regular and ordinary appropriations for the completing and armament of our fortifications. It is strictly an appropriation bill; and the practice is very irregular, and will be productive of great confusion and mischief in our legislation, if subjects so incongruous, measures so various and inconsistent with each other, shall be jumbled together, and especially if the ordinary and annual appropriation bills shall be made the basis on which to pile acts of original legislation, distinct and independent of the annual provisions for satisfying demands created by past and permanent laws. This is one reason for my voting against the amendment offered by the gentleman from Tennessee. I had a further objection: the present Congress goes out of existence in a few days; before the emergency contemplated by the amendment can exist, a new Congress will have assembled. As yet, it is uncertain whether there will be any surplus; and it will be time enough, when Congress meets here next December, to dispose of the surplus, if it shall then exist, as that Congress may think right.

The question was then taken on the third reading of the bill, and decided in the affirmative, 112 to 70, as follows:

YEAS.—Messrs. Adams, Alford, Chilton Allan, Herman Allen, Anthony, Bailey, Bell, Bond, Boon, Borden, Bouldin, Briggs, Bunch, John Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forster, French, James Garland, Graham, Granger, Graves, Grayson, Grinnell, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Herod, Hoar, Hunt, Huntsman, Ingersoll, William Jackson, Henry Johnson, Kilgore, Lane, Laporte, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Samson Mason, Maury, McCarty, McComas, McKennan, Mercer, Montgomery, Morris, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Robertson, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Young—112.

NAYS.—Messrs. Ash, Beale, Bean, Beaumont,

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Civil and Diplomatic Appropriation Bill.

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Black, Bockee, Boyd, Brown, Burns, Cambreleng, Chaney, Chapman, John F. H. Claiborne, Cleveland, Coles, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Fry, Fuller, Gholson, Gillet, Grantland, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holt, Huntington, Jarvis, Joseph Johnson, Cave Johnson, Klingensmith, Lansing, Lawler, Gideon Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, McKay, McKim, Moore, Owens, Parks, Franklin Pierce, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Wardwell, Yell—70.

So the bill was ordered to a third reading.

On motion of Mr. CAMBRELENG, the bill (having been previously engrossed) was read a third time and passed.

On motion of Mr. BELL, the title of the bill was so amended as to add to the end the words "and for other purposes."

MONDAY, February 27.

Civil and Diplomatic Appropriation Bill.

The committee then proceeded to the consideration of this bill.

The bill, together with the several amendments reported thereto by the Committee of Ways and Means, having been read—

Mr. W. THOMPSON moved to amend the bill by inserting:

"For the salary and outfit of a diplomatic agent, to be forthwith sent to the independent Government of Texas, ——— thousand dollars.

"For the expenses of running a boundary line between the United States and the independent Government of Texas, ——— thousand dollars; such line to be run by commissioners to be appointed by the United States and the republic of Texas."

Mr. T. said no one could regret more than he did the very limited time that is allowed for this discussion. I sir, (said Mr. T.,) am in no way responsible for it. My fault has certainly not been a want of zeal in pressing the subject upon Congress. The course of things for the last few weeks has been eminently illustrative and characteristic. The whole time of the House has been occupied with matters of purely a personal or local character in a miserable scramble for spoils, in which all parties have equally participated to the exclusion of every thing of general importance. The question now before the House involves, in some sort, the destinies of a young republic just rising into existence, and our own character for justice, consistency, and a fearless discharge of our duties. It is peculiarly fitting that we should introduce this young sister into the great family of nations. Why has it been so long postponed? Are gentlemen afraid of the argument? Are they afraid that a spontaneous burst of popular enthusiasm will force them to do that to which the cold, selfish, and sectional feelings of politicians are opposed?

Mr. MASON, of Ohio, said: The abstract right of this Government to recognize the existence and independence of foreign powers is not denied. Whether the exercise of this right, in any particular instance, can be vindicated as just to others, and, at the same time, consistent with a due regard to our own interest and honor, is another and very different question. It is also admitted to be the practice of nations, founded in the necessity of the thing, to treat with the Government *de facto*, established in a country, without regard to the Government *de jure*. It is not competent to other powers to inquire into causes of dispute between the belligerent parties, with a view to ascertain which is in the right, and to grant distinguishing favors to the one or the other, according to the result of such an inquiry.

Non-intervention is the cherished doctrine on which the Government and people of the United States have hitherto practised, as evinced in the conduct of both during the civil war that raged for so many years between Spain and her provinces in this hemisphere.

Mr. Monroe, in his annual Message to Congress, in 1819, speaking of the insurrectionary struggle of the Spanish provinces of South America, said that

"The greatest care had been taken to enforce the laws intended to preserve an impartial neutrality. That a virtuous people may, and would, confine themselves within the limits of a strict neutrality." That "it was of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any, who may be disposed to take advantage of it, to compromise the interest or the honor of the nation."

And, finally, he was able to assure Congress and the country that, notwithstanding the sensibility and sympathy which were naturally excited by such a contest—

"It had been the steady purpose of this Government to prevent that feeling leading to excess, and that it was very gratifying to have it in his power to state that so strong had been the sense, throughout the whole country, of what was due to the character and obligations of the nation, that very few examples of a contrary kind had occurred."

With these principles for my guide, I propose very briefly to examine the question, whether it is the duty of the United States now to recognize Texas as an independent nation. Before the people of Texas can rightfully invoke the interference of foreign powers, it must be proved, not only that they are in the enjoyment of all the attributes of a sovereign and independent State, but also that they possess the moral and physical ability to maintain, within their limits, the sovereignty they have asserted. Our information in relation to the condition of Texas is doubtless very deficient, both in its extent and precision.

The little we have is principally to be found in the report of Mr. Morit, accompanying the

President's Message, on the subject of the condition of Texas, communicated to Congress on the 22d of December last. According to Mr. Morfit, the population of Texas consists of Anglo-Americans, Mexican natives, aborigines, and negroes; the whole estimated at 65,000 souls. Of these, he says, there are, perhaps, 30,000 Anglo-American settlers and 3,500 native Mexicans of Spanish descent. After stating that the population, consisting of emigrants from the United States, is said to be not less than fifty thousand, he adds that, "if I were to take my own judgment exclusively on this matter, and were to reason as to what I have not seen by that which I have, I should say the population, exclusive of Mexicans, Indians, and negroes, has never exceeded thirty thousand."

Suppose this estimate of that part of the population which consists of Anglo-Americans and Mexicans to be an approximation to the truth, (and there are many reasons for believing it exceeds the fact,) the whole amount of physical force belonging to the nation of Texas, exclusive of Indians and negroes, will fall considerably below that of many counties in the State of Ohio. And this population, small and feeble as it is in the aggregate, is not permanent, but a portion of it at least retreats at the approach of danger to the east bank of the Sabine.

As to the military force, we learn from the same report that it consists of an army of about 2,200 strong, not including the settlers or farmers, who can be armed on any emergency, so as to augment the number to at least 5,000 efficient men.

The naval force of Texas consists of four small vessels, carrying in all twenty-nine guns.

The internal resources of the province appear to be wholly inadequate to the successful resistance of any respectable force that might be employed for its subjection. It relies exclusively on external aid for the means of supporting the independence it has declared. No fact can be better authenticated; it is confirmed as well by the report to which reference has so often been made, as by all contemporaneous history, that the army of Texas is recruited from the citizens of this Union—is kept in the field, paid, and supplied with arms and provisions, by contributions derived from the same quarter. Mr. Morfit says:

"The present resources of Texas are principally derived from the sympathies of their neighbors and friends in the United States, and by loans upon the credit of the State. The donations from the former quarter have been, and will no doubt continue to be, very liberal, and indeed munificent. Several individuals, not interested in the success of the country further than their general attachment to the cause of independence and that of their old compatriots, have unostentatiously presented \$5,000, while numbers have contributed \$1,000 each, and small associations in the different States have thrown in their aid, until the aggregate has swelled to a large amount. I have been surprised," he says, in conclusion, "to find that Texas has carried on a successful war thus far, with

so little embarrassment to her own citizens or her treasury; and perhaps it is the first instance in the history of nations where a State has sustained itself by men and means drawn wholly from a distance."

If this hasty review of the condition of Texas has not resulted in demonstrating her incapacity to maintain an independent Government, it has incontestably established another fact deeply affecting the character of this country, namely, that the ability of Texas to maintain her separate existence and sovereignty has been, and still continues to be, derived exclusively from the means furnished by the people of the United States, in direct violation of their neutral obligations; consequently, should the United States return to the neutral attitude from which they have so widely departed, and strictly enforce the laws intended to preserve our neutral character, the Government of Mexico would soon be restored in the province of Texas.

Whether the latter event ought to be desired by the friends of constitutional law and liberty anywhere, is a question that does not and cannot properly enter into our consideration in this discussion.

Suppose, therefore, the Texians should continue to receive assistance in men and money drawn from the United States, and should be further sustained by the co-operation of our army advanced into the heart of their country; and suppose, upon this hypothesis, their ability to maintain their independence, when thus sustained, should be admitted, still there are considerations arising out of so peculiar a state of things that ought to deter us from the indiscretion of a precipitate acknowledgment of their independence. If their independence has been the result of the counsels, or has been achieved, and thus far maintained, by the people of the United States; if our citizens compose her armies, and have command of the military and naval forces of the country; if they are found in possession of all the great offices of the Government, from the Chief Executive downwards, can we hope to escape the reproaches of other nations, and of impartial posterity, if we make haste to recognize a state of things that we have notoriously contributed so largely to produce.

What would the act of recognition, under such circumstances, be but an acknowledgment, not so much of the ability of Texas, as our own ability, and determination too, to maintain her independence at every hazard? Would not such conduct expose us, whether justly or not, to the charge of assisting in the dismemberment of a friendly power, for the unworthy purpose of seizing on one of its fairest provinces? Can we, consistently with national honor, after aiding the cause of rebellion in a neighboring republic, be the first to recognize the Government established by the insurgents? I concur most cordially in the views and opinions expressed by the President, in his Message of the 22d of December last, on the subject of the condition of Texas. In relation to the

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conduct proper for this Government to observe in the contest pending between Mexico and Texas, he says that

"It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should stand aloof and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers, shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the Government constituted by them."

Mr. Chairman, we are called on, not only by the amendment under consideration, but by the newspaper press in different quarters of the Union, to yield a speedy recognition of the independence of Texas. For what purpose is the prompt acknowledgment of her Government demanded? Not, certainly, because she desires to enjoy that independence, the recognition of which she solicits; not that she desires to possess the rank, privileges, and immunities, that belong to a free and sovereign member of the great family of nations; no, her object, distinctly avowed, is far more humble and befitting her feeble condition. It is, that she may make a surrender of her independence, government, territory and all, to the United States, on condition of annexation and reception into the Union!

The first elections under the constitution of Texas were held last autumn. Mr. Morfit reports that

"The voters at the different polls were required to state whether they were 'in favor of annexing Texas to the United States;' and the response through every municipality has been wholly in the affirmative. He says that great unanimity prevailed on the important point of 'seeking admission into the Union of the United States of the North.' He also discloses the very important additional fact, that 'the terms upon which they desire to become an integrant of that Union have been discussed in the cabinet, and have already been, or will be, made the heads of instructions for the conduct of their representative near the Government of Washington.'"

A fact so extraordinary has not escaped the notice of the Executive, who says, in the Message already referred to, that the people of Texas have, since the last session of Congress, "openly resolved, on the acknowledgment by us of their independence, to seek for admission into the Union as one of the Federal States. This last circumstance is one of peculiar delicacy, and forces upon us considerations of the gravest character."

It appears, then, that the Government of Texas is simultaneously urging its pretensions to recognition, and treating for annexation to the United States; and the former seems to be made subservient to the latter. Indeed, the

evidence, to my understanding, is irresistible, that a separate independent existence never was, at any time, an object of desire on the part of the people and authorities of Texas. From Mr. Morfit's report we learn that, in September, 1835, General Cos invaded the province of Texas, and that "a battle ensued, which terminated in the retreat of the Mexicans. He says the Texians assert that this resistance was not because they even then wished to separate from the confederacy; but, on the contrary, because they were desirous to bring back the Government to the terms of the constitution of 1824." If it be true, as they allege, that as late as September, 1835, they took up arms "in defence of the constitution," I can only say that, in the brief interval of a little more than one month,

"A change came o'er the spirit of their dream,"

and their intentions underwent a revolution equally sudden and extraordinary; for, in the month of November following, they held a convention at San Felipe, and formed a provisional Government, and there made a declaration which "was considered as an absolute separation from Mexico."

This proceeding in November, 1835, was speedily followed by the convention of the 2d of March, 1836, which in due form "declared Texas a free, sovereign, and independent State."

If a redress of grievances, or the defence of the Mexican constitution, and not separation, had been the object of the Texians, they would have tried petition and remonstrance, before resorting to arms—the last remedy of the oppressed. The Anglo-Americans of Texas could have found, in the conduct of their ancestors, when colonists of Great Britain, an example of patience and forbearance worthy of their imitation. The people of the old thirteen States, while they were subject to the dominion of the mother country, employed more than ten years in petitioning the King, Parliament, and people of Great Britain, before they finally resolved on having recourse to arms for the defence of their liberties. And then they did not strike for independence; for it was more than a year after the first blood was spilt in the revolutionary conflict, before they made a declaration of independence.

If the object of procuring our acknowledgment of the new Government of Texas be to facilitate the design of her incorporation into this Union, (and that she seeks this connection we well know, from her own solemn acts and avowals,) how can those who are opposed to such a measure give their assent to any course of proceeding that leads directly to its accomplishment?

Sir, I shall not permit myself to be drawn into the discussion of any question to which a direct proposition to annex Texas to the United States might very properly give rise. In relation to that momentous subject I will now only say that sufficient for the day is the evil thereof,

and that, in my judgment, evil will be the day when that question shall come to be seriously entertained by the councils of this nation. I have noticed it now because it naturally connects itself with the proposition before us, in the aspect in which I have been considering it. The friends of annexation are consistent in voting for recognition; but those who are opposed to the former, and who believe, as I do, that it is the end, and the latter the means, cannot consistently give their support to the present movement. If no other objection existed to the recognition of Texas, I regard this as decisive, till she can give satisfactory evidence of her desire to have independence for the sake of independence, and not that she may barter it away. But, sir, other objections do exist.

Mexico is our neighbor, with whom we maintain diplomatic and commercial relations, and have a treaty which secures, as far as treaty stipulations can do, an inviolable friendship between the two nations. Are we not bound, by every consideration of national comity and plighted friendship, to confer with Mexico before we proceed to recognize the independence of one of her revolted provinces? For many years, and until within a few weeks past, we have had a minister resident in Mexico. I understand he has had no conference or correspondence whatever with the Mexican Government on the subject of the civil war in Texas; nor have we in any other manner given any intimation of our intention to acknowledge the separate existence of that province. On that subject we have maintained an ominous silence towards Mexico; yet presuming, I fear, on her inability to resent the affront, we are about to intrude ourselves into her affairs. It is true Mexico is torn by internal dissensions, her treasury is exhausted, her army mutinous, her people discontented and rent by faction; but her weakness cannot release us from the obligations imposed by our neutral character, nor from the duty of practising towards her that courtesy which is due from one friendly power to another. Her misfortunes ought rather to inspire her more prosperous and powerful neighbors with sentiments of forbearance and respect for her feelings in the hour of her adversity. To take advantage of her distresses would ill become the character of a magnanimous nation. We might at least ask Mexico whether she still intends to persist in the attempt to reduce the Texans to obedience, and, perhaps, could suggest some method by which a reconciliation might be effected, consistently with the honor and interest of both parties. Such a course of conduct would be entirely respectful and conciliatory, and it has the additional recommendation of being in strict accordance with the former practice of this Government in similar circumstances. So cautious, not to say tardy, was this Government in its movements towards a recognition of the Spanish colonies in South America, that as late as the year 1821 the period had not then arrived, in the opinion of the

Executive, for the interference of this Government; for although the President, in his Message of that year, had declared "it had long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no condition short of their independence would be satisfactory to them," yet he proposed nothing further in their favor than to urge upon the Government of Spain the justice and policy of her immediate recognition of their independence.

Mr. HUNTSMAN took the floor, and addressed the Chair as follows:

I live in a section of the country convenient to Texas, where the intercourse between us is quite frequent; where our communications are uninterrupted; where many of the friends, relatives, and connections of my constituents have located themselves; and I claim the right to know something of the nature and character of the whole controversy. As time is precious, I will run rapidly over the main facts in relation to this matter, with the hope that, when the House shall be put in full possession thereof, neither the acknowledgment of the independence of Texas, nor a salary and outfit for a minister, will be withheld from that country. Antecedent to the establishment of the imperial Government under Iturbide, in May, 1822, and while these colonies were struggling for independence from the yoke of old Spain, many Americans engaged in the Mexican service, to aid and assist in achieving that independence for the South American provinces, which was achieved. For these services the new Government had nothing to give, but promised those enterprising Americans large bounties in land. Amongst others of that day (who fought in the Mexican wars) of my acquaintance, there is one deserving of particular mention; I mean Colonel Reuben Ross, of Tennessee. I believe he was a native of Virginia. He had a colonel's command in the Mexican service, and went through many hard-fought battles with the royal forces, and upon one memorable occasion, when he was in command in an engagement, the various evolutions which are frequent in battles brought him in contact with the commander of the royal forces, both on horseback. The intrepid and gallant Ross, whose soul burnt high with patriotism and noble daring, attacked the Don in single combat. The Spaniard fell, and Ross lost a finger. The Government of Mexico awarded him a large body of land in Texas. He was my constituent: he lived then in a district I had the honor of representing in the Senate of Tennessee. After the independence of the country was established, and the authority of old Spain had ceased, Colonel Ross procured his grants for the lands, and upon his return home he was treacherously murdered, with most of his company, in the Mexican dominions, by those same Spaniards whom he had so long and so nobly fought to make free. I mention this fact to show that many of the Americans fought for the Mexicans then, as

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well as they have fought for the Texans since—that these lands were dearly bought. I could, if time would permit, cite many daring deeds of valor performed by Ross and others, which equal the battle of Jacinto, the Alamo, or any other, against the armies of old Spain. I contend that the Mexican Government has less reason to complain of an interference by volunteers from the United States, and of the propriety of our acknowledgment of the Texian independence, than any people upon the face of the earth. It was precisely what she implored of our citizens in her contest with old Spain. She sought the aid of our citizens to fight her battles. She sought our sympathies and our prayers for her success. She sought an acknowledgment of her independence, while the royal armies were yet in some portions of the country, and in possession of some of the strongest forts. She obtained it all. And, presupposing that every word of complaint which has been so dolefully uttered by the gentlemen from Ohio and Massachusetts, in regard to our enterprising young men seeking service in the armies of Texas, is true, it is no more than was solicited, accepted, and sanctioned with great joy by the Mexicans, upon precisely a similar occasion, between them and old Spain. Mexico was extremely willing to receive the voluntary aid of our enterprising men then; but, like the lawyer's ox that was gored by the bull of the farmer, it alters the case now.

But to proceed with the history: Revolution succeeded revolution in the South American provinces and Spanish North America. In May, 1822, General Iturbide, by fraud, force, and the assistance of the Catholic priesthood, (who are in all countries more opposed to republican government and the liberty of man than any other sect,) established an imperial Government, and was chosen Emperor. The example of our Government, which lay contiguous, and the germs of liberty which began to sprout from an imperfect knowledge of our institutions, and an intermixture with a few of our men in their armies, in a short time produced another revolution. Iturbide was dethroned, a sentence of banishment was passed upon him; he went into exile, returned, was taken captive, and shot. Victoria was elected by the people; a republican constitution was formed, modelled in most of its leading principles in imitation of that of the United States; notwithstanding this, he had to encounter civil wars, conspiracies, treasons, and rebellions, during all his administration. Pedrazza, elected successor to Victoria, was in a short time deposed by Guerrero, who in his turn was deposed by Bustamante, and at length he was deposed and driven into exile by the modern Napoleon of the South, Santa Anna, who had waded through seas of blood, and mountains of carnage, and the perfidy of the priesthood, to empire. He abolished the Congress of the republic by a military decree, organized a tribunal composed of his own creatures in its place,

merely to register his despotic decrees. He abolished the local legislatures, established military and arbitrary tribunals in their place, abolished the trial by jury, and settled down in a complete despotism of the worst kind, because it was a military one. To this prostration of the constitution that he had sworn and fought to support, the overthrowing of a government of liberty and laws, the abolishment of the trial by jury, and the establishment of a military despotism, the people of Texas objected. There was much of that Anglo-Saxon blood, descended from that immortal band of Englishmen who took their honor in one hand and their sword in the other, and obtained *magna charta* from King John.

Santa Anna being enraged at the thought of resistance to his decrees from a few thousand Texans, when he had fought and conquered through millions until the imperial diadem was ready to be placed upon his head, swore utter extermination from the face of the earth of all the inhabitants of Texas, and particularly of the North American or Anglo-Saxon race, not even sparing the women and children. With this view he started for Texas at the head of his hosts, to execute his infernal purpose. But, Mr. Chairman, it becomes necessary for me to leave him upon the road to Texas, and return to that gallant people, for the purpose of bringing up their history from where I left it, in the hands of the gallant Ross, before the establishment of the empire, under Iturbide. It will be held in remembrance that Ross and others received grants for their services, performed against the royal forces of old Spain, before the acknowledgment of the independence of Texas. During all the civil wars and convulsions, conspiracies and rebellions, that took place in the Mexican republic, from the establishment of their federal constitution, in 1824, the Government had been inviting foreigners from every country to go and settle in Texas, and carry as many families as possible; every inducement was held out to invite emigration thither; large bounties of land were offered for this purpose. The reason for this proceeding was obvious. Being torn to pieces by civil and central revolutions, which succeeded each other in rapid succession, their finances were exhausted, their armies were wasting away in civil wars, their convulsions were so quick and terrible that they could not spare either men or money to defend the frontiers against the habitual attacks of the Comanche and other hostile Indian tribes. Such a scourge had those Indians become to the frontier settlements and to Texas, that they at pleasure overran the Spanish towns and villages, took the inhabitants into captivity, and made servants of them. In other instances these hordes of barbarians would take possession of the frontier towns, compel the inhabitants, who were large owners of stock, to go and drive up their own horses, mules, and cattle, until these Indians would select all the most valuable of them, and drive them off, after

committing acts of rapine and murder of the most atrocious character upon the inhabitants, and no help could be received from the Government of Mexico.

These enormities were repeated year after year, and no prospect of better things was in anticipation. To stop those lawless excursions of plunder, murder, and robbery, to beat back those ferocious barbarians, and protect the Spanish citizens who were the annual victims of rapine and violence, the Mexican Government adopted the only practicable mode of affording that relief that she had in her power to render. It was to make large grants of land to citizens of the United States, who would either pay money at a stipulated price into their empty coffers, or who would settle down with one, two, three, or four hundred families, upon those lands, and defend the country from the savage inroads.

I personally knew of some companies who were organized in Tennessee. They elected their representatives, sent them to the city of Mexico, publicly and notoriously, without any guile, fraud, or circumvention, to negotiate this business. I will mention the names of three of these representatives or ambassadors, who were despatched upon this mission: Colonel Andrew Erwin, who had been for a number of years a member of the North Carolina and also Tennessee Legislatures, and a gentleman of considerable talents and experience, together with Doctor Douglass and Colonel John D. Martin, a lawyer of high standing. They went, as well as the representatives from other companies, to the city of Mexico, and remained some months upon the business of this mission.

After a full examination of the constitution of 1824, establishing a Federal Government, with full guarantees for the perfect enjoyment of life, liberty, and property, and a toleration of their religion, and other rights and immunities similar to our own, a number of purchases were made, mostly for the consideration of obtaining settlers upon those lands. Grants were issued. The grantees procured settlers, and emigrated to the country. Immediately, upon these events, the savage roamed no longer in hostile array over the plains of Texas. They were beat back into their own boundaries. The tomahawk and scalping-knife rested from their labors. The Spaniard sat down under his own vine and fig tree, and enjoyed his property and the fruits of his industry in peace. The Anglo-Saxon blood which had got into the country was a perfect guarantee against lawless depredation. The settlers furnished their own guns, their own provisions, their own ammunition; the Mexican Government did not even furnish so much as one flint to aid in this matter.

But the frontier settlements were secured, when Bustamente undertook to overthrow the liberties of his country, in one of the many Mexican revolutions. Santa Anna declared himself the champion of the constitution of

1824, the defender of the Federal Government. He had previous to that defeated the last mad expedition that had been sent out by old Spain to subjugate the South American provinces. He became the hero of Tampico. The patriots of Mexico looked to him to put down the tyrant Bustamente. The Texians hoisted his flag—it was considered then the flag of liberty—they took two forts with their rifles, and left Santa Anna to operate in the centre, without having a foe in their country. He did operate; he deposed Bustamente. But, to the great mortification and disappointment of all the friends of liberty throughout the world, he got into power under pretence of patriotism, and instantly overturned the constitution of his country. He started to rivet the chains of despotism by abolishing free government, and substituting a military one, in the manner I before related. He came. The splendid defence of Colonel Fanning, in destroying nine hundred of Santa Anna's men with less than half that number, and placing *hors de combat* several hundreds of others, will live immortal in story; and notwithstanding the warrior and his brave little band have sunk into the tomb by the blackest treachery, instead of the force of the Spaniard's prowess, yet ages unborn will drop a tear of admiration and sympathy upon the tombs of those immolated heroes, as they pass the fated spot.

Next in order is the Alamo, where the brave and gallant Crockett, with his one hundred and fifty compeers, headed by himself and Colonel Travis, made a defence against five-and-twenty hundred Mexicans, which would do honor to any general in any age. And although they fell, they fell like the strong man of old: they pulled down the pillars of Santa Anna's strength with them; for that immortal little band destroyed fourteen hundred of the enemies of liberty, and shed a lustre of immortality around their names which will secure them the brightest page in history. Their heroic deeds will be told in poetry and song to generations yet unborn, and the blood that was shed at the Alamo will generate millions of men, to fight the battles of freedom throughout the world.

A brilliant feat is yet to follow. Houston and his army were alive, and the God of battles was with them. The battle of San Jacinto soon followed, which sealed the tyrant's fate, redeeming a country from bondage, and proved to the world that tyranny and oppression cannot prevail against that indomitable Anglo-Saxon spirit which is now pervading the whole earth.

What I have said, Mr. Chairman, has been for the ear of those who have thought less, and perhaps examined less, upon the subject of Texas than I have. Many have gone from my district, and settled in that country; some of them have laid down their lives in battling for their rights; others have relations yet remaining, who feel intensely for those who have gone there. This question must and will be disposed of at this session in some way. We cannot expect to

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satisfy all; it is needless to wait for that. If we were to wait until the morning of the resurrection, many here would not vote for the recognition. Other and far different motives than the situation of the contending parties will govern the action of a portion of this House. There are some who feel somewhat aristocratical by nature, and have no right good will for republican forms of government any how; there are others in the North and East who think that an annexation of Texas to the United States might probably follow a recognition of her independence, and that the balance of power would be thrown in that direction; others are fearful it will be a slaveholding country. We may as well meet the question at once; it has to be met, and that shortly. No one can possibly suppose that Mexico can ever reassert her power in Texas. If I were permitted to use the language of the heathen mythologists, I should say that an assembly of the gods had congregated for the express purpose of taking into consideration the wrongs and oppressions inflicted upon Texas, and that a decree had been registered in high heaven that Texas shall henceforth be free, sovereign, and independent.

WEDNESDAY, March 1.

*Deposit Banks—Secretary of the Treasury—
Reuben M. Whitney—Report of the Investigating Committee.*

Mr. GARLAND, of Virginia, from a majority of the Select Committee appointed on the 4th day of January last, to inquire whether the several banks employed for the deposit of public money have employed an agent, to reside at the seat of Government, to transact their business at the Treasury Department; also, the character of such business; the compensation received by said agent; whether employed at the request or through the procurement of the Treasury Department; whether he receives compensation from the Treasury Department, &c., reported thereon at length, concluding with the following resolutions:

1. *Resolved*, (as the opinion of this committee,) That the several banks employed for the deposit of the public money have not all, or any of them, by joint or several contract, employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department.

2. *Resolved*, (as the opinion of this committee,) That no agent for the transaction of business between the deposit banks and the Treasury Department has been employed at the request or through the procurement of said Department.

3. *Resolved*, (as the opinion of this committee,) That the business of the deposit banks with the Treasury Department is not conducted through any agent, but is transacted directly with the Secretary of the Treasury or some officer of the Department.

4. *Resolved*, (as the opinion of this committee,) That no agent in any way connected with the pub-

lic deposits, since the removal of said deposits from the Bank of the United States, has received any compensation from the Treasury Department.

5. *Resolved*, (as the opinion of this committee,) That several of the deposit banks have employed an agent, to reside at the seat of Government, for the purpose of receiving and transmitting information affecting the interests of said banks, both from the Treasury Department and other sources, and transmitting public documents; that agent is Reuben M. Whitney, who receives such salary from said banks as they annually deem his services worth.

Which said resolutions lie upon the Speaker's table.

Mr. PEXTON, from the same committee, submitted, at length, the views of the minority, accompanied by a resolution that the same, with the accompanying documents, be inserted in the journal of the House, as containing the views of the minority of this committee; and moved that the report of the minority of said committee be committed to the Committee of the whole House on the state of the Union, with instructions to report a bill prohibiting in future, under sufficient penalties, the communication of secret intelligence, by the Secretary of the Treasury, for the benefit of the deposit or any other banks, which concerns all banks alike.

Funds receivable for Lands and Custom-house Duties.

Mr. PATTON moved a suspension of the rules for the purpose of taking up the Senate's bill designating and limiting the funds receivable for the revenue of the United States; which was agreed to—yeas 116, nays 28.

This bill had been reported back to the House, with the following amendment:

"*And be it further enacted*, That no part of this act shall be construed as repealing any existing law relative to the collection of the revenue from customs or public lands in the legal currency, or as substituting bank notes of any description as a lawful currency for coin, as provided in the Constitution of the United States; nor to deprive the Secretary of the Treasury of the power to direct the collectors or receivers of the public revenue, whether derived from duties, taxes, debts, or sales of the public lands, not to receive in payment, for any sum due to the United States, the notes of any bank or banks which the said Secretary may have reason to believe unworthy of credit, or which he apprehends may be compelled to suspend specie payments."

Mr. CAMBRELENG said that, at any other period of the session than the present, he might have addressed some remarks to the House on this subject, but he would now forbear. The Committee of Ways and Means, for the purpose of preventing a misconstruction of the act, and securing the public revenue from serious frauds, had brought forward this amendment. It was, however, for the House to adopt or reject it, as they thought proper; but he hoped those gentlemen who were so solicitous about this bill would grant him the privilege of recording

his vote upon the amendment. Mr. C. then called for the yeas and nays; which were ordered.

Mr. LAWRENCE said he would not occupy the attention of the House more than a moment. The amendment, he apprehended, was new to most of the members upon this floor. He had examined it carefully, and he believed that the effect of it, if it passed, would be to legalize powers that were claimed and exercised by the Secretary of the Treasury, which were before, to say the least, very doubtful. Its effect would be to destroy the bill, to neutralize and to nullify every valuable provision in it. He stated this to the gentlemen of the West; for, if he understood the amendment, its effect, if carried out, would be the same as the Treasury order, viz: to bring the whole country, in the region of the land offices, down to a specie basis; to drive from circulation every bank note, which would be converted into specie, issued by the banks in the neighborhood of the land offices; and, in place of their own paper, have in circulation the notes of distant banks—those of Pennsylvania, New York, and New England.

He did not give his assent to all the provisions of this bill; it was not one which he would have offered, nor was it the best bill that could have been presented and matured. He took this occasion to say that he deemed the whole system of banking, the whole financial operations of the Government, so far as the currency was concerned, as in a distracted condition, and such as did not meet his concurrence. He believed it was a system which, sooner or later, would inflict, must inflict, on the country a calamity which now was probably little anticipated. He believed that the currency of this wide-extended country never could be properly regulated without some great central controlling power over the State banks. But he would not now go further into the subject, because he knew that the time of the House was too valuable, at this period of the session, to be occupied by him.

Mr. MANN, of New York, said gentlemen looked upon this bill as a repeal of the Treasury order. This was not so; because at last it left the matter with the Secretary of the Treasury; and he ventured to say, if the bill was now passed, the specie order would not be repealed. It did not require the Secretary of the Treasury to receive the notes of specie-paying banks for the public revenue, but left it discretionary with him to do so or not. The amendment proposed by the Committee of Ways and Means merely declared the effect of the provisions of the constitution, which were paramount to all the laws which could be passed on the subject. If the bill went to legalize the notes of any banks in payment for the public revenue, he ventured to assert that it would receive but few votes in that House.

Mr. MERCER made some remarks in opposi-

tion to the gentleman from New York, (Mr. MANN,) and in opposition to the amendment.

Mr. BOULDIN merely rose to say that he should vote on the various bills, propositions, and amendments, relating to the currency and money in which the public dues were collected, as it might seem best, or rather, least mischievous. By these votes he did not wish to be understood to mean that any remedy could be found for the evil proposed to be cured or affected—pretended to be designed by these measures to be cured. He meant the evil arising out of having in, or passing through, the Treasury of the United States such vast sums of money as are, and have been, and probably will be for some time.

He said he did not mean to advocate distribution, tariff, breach of constitution, consolidation; nothing like it. All this thing is done. The money has been raised almost at the point of the bayonet, or rather the sums that paid off our debts, and left this balance under protecting duties; against which he had labored all he could, and all in vain. What should be done with them? He knew they corrupted the people's agents, in the States as well as here. Those agents are neither better nor worse than they are here. This is the reason that we cannot find out and agree upon what shall be done with the money. They that have it there, as well as they that have it here, do not wish to part with it.

Mr. PATTON supported the bill, and opposed the amendment, which he insisted went to nullify the bill.

Mr. SUTHERLAND, remarking that the House and the nation well understood the whole subject, demanded the previous question.

Mr. GALBRAITH inquired if the previous question would cut off the amendment of the Committee of Ways and Means.

The CHAIR replied that such would be the effect of the success of that motion.

The House seconded the demand for the previous question—yeas 82, nays 66.

So the House ordered the main question to be now put.

Mr. McCARTY asked for the yeas and nays on the main question; which were ordered, and were—yeas 143, nays 59, as follows:

YEAS.—Messrs. Adams, C. Allan, H. Allen, Anthony, Bailey, Beale, Bell, Bond, Boon, Borden, Bouldin, Bovee, Briggs, Buchanan, Bunch, J. Calhoun, W. B. Calhoun, Campbell, Carter, Casey, G. Chambers, J. Chambers, Chapman, Chetwood, Childs, N. H. Claiborne, J. F. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Crary, Cushing, Dawson, Denny, Elmore, Evans, Everett, Fowler, French, J. Garland, R. Garland, Gholson, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hannegan, Harlan, Harper, S. S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Heister, Herod, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, W. Jackson, James, Jenifer J. W. Jones, Kilgore, Lane, Lawler, Lawrence, Lay, G. Lee, L. Lea, Lewis, Lincoln, Love, Lucas, Lyon, J.

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Fortification Bill—Deposit Clause.

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Mann, Martin, S. Mason, Maury, May, McCarty, McComas, McKennan, McKim, Mercer, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patton, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Schenck, W. B. Shepard, A. H. Shepperd, Shields, Slade, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, W. Thomson, Turner, Underwood, Vinton, Wagener, Washington, Webster, White, Elisha Whittlesey, L. Williams, S. Williams, Yell—143.

NAYS.—Messrs. Ash, Barton, Bean, Beaumont, Black, Booke, Boyd, Brown, Burns, Cambreleng, Chaney, Chapin, Coles, Cushman, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fry, Fuller, Galbraith, J. Hall, Hamer, Hardin, A. G. Harrison, Hawes, Holt, Huntington, Jarvis, C. Johnson, B. Jones, Lansing, J. Lee, Leonard, Logan, Loyall, A. Mann, W. Mason, M. Mason, McKay, McKeon, McLene, Page, Parks, F. Pierce, Joseph Reynolds, Rogers, Seymour, Shinn, Sickles, Smith, Taylor, Thomas, J. Thomson, Turritt, Vanderpoel, Ward, Wardwell—59.

So the bill was ordered to a third reading, and was then read a third time and passed, (after some remarks from Mr. HARDIN, explanatory of his reasons for voting against the bill.)*

THURSDAY, March 2.

Investigation Reports.

On motion of Mr. GARLAND, the report of

* This bill, though passing both Houses by so large a vote, did not become law, remaining unsigned by the President on account of the uncertainty of its provisions, after consultation with the Attorney-General, (Benjamin F. Butler, Esq.,) as explained in the following declaration communicated by the President to Congress, and filed in the Department of State:—

Reasons of President Jackson for not acting definitively on the bill entitled "An act designating and limiting the funds receivable for the revenues of the United States."

The bill from the Senate, entitled "An act designating and limiting the funds receivable for the revenues of the United States," came to my hands yesterday, at two o'clock P. M. On perusing it, I found its provisions so complex and uncertain, that I deemed it necessary to obtain the opinion of the Attorney-General of the United States on several important questions, touching its construction and effect, before I could decide on the disposition to be made of it. The Attorney-General took up the subject immediately, and his reply was reported to me this day at five o'clock P. M. As this officer, after a careful and laborious examination of the bill, and a distinct expression of his opinion on the points proposed to him, still came to the conclusion that the construction of the bill, should it become a law, would be yet a subject of much perplexity and doubt, (a view of the bill entirely coincident with my own,) and as I cannot think it proper, in a matter of such interest and of such constant application, to approve a bill so liable to diversity of interpretations, and more especially as I have not had time, amid the duties constantly pressing on me, to give the subject that deliberate consideration which its importance demands, I am constrained to retain the bill, without acting definitively therein; and to the end that my reasons for this step may be fully understood I shall cause this paper, with the opinion of the Attorney General, and the bill in question, to be deposited in the Department of State. Washington, March 8, 1837, one-quarter before twelve P. M.

ANDREW JACKSON.

Note.—This 8d of March was the last day of General Jackson's presidential service; and, as he held that the day ended at midnight, he took care to do this last official act before the expiration of the day, and to preserve the evidence of it.

the minority of the Select Committee of which he is chairman, was ordered to be printed.

Mr. GARLAND moved to print 5,000 extra copies of the two reports, without the evidence.

The House having agreed to consider the motion at this time,

Mr. HAWES moved to amend this motion by adding 5,000 copies of the report of the Select Committee on the West Point Academy. Agreed to—yeas 64, nays 48.

Fortification Bill—Deposit Clause.

The bill making appropriations for certain fortifications for the year 1837, and for other purposes, had been returned from the Senate with an amendment, striking out that portion of the bill which provides that the money which may remain in the Treasury of the United States on the 1st of January next, reserving five millions of dollars, shall be deposited with the several States, according to certain provisions of the act to regulate the public deposits, passed June 23, 1836; and the question was on concurring with the Senate in their amendment.

Mr. BELL said he would make but a remark or two upon the motion which he proposed to make in relation to the amendment of the Senate.

The House had incorporated the clause for a distribution of any surplus which might be in the Treasury at the end of the year, among the States, into the fortification bill, by a large and decisive majority. The Senate amended the bill by striking out this most important provision; and this House, upon a reconsideration of the subject, reaffirmed their first decision, and disagreed to the amendment of the Senate, by a majority equally decisive, and one which, under the circumstances, I might say was overwhelming. The Senate has thought proper, nevertheless, to insist upon its amendment; and the question is now presented, whether we shall recede from the ground we have taken, or firmly adhere to a measure which we believe to be of vital interest. The question is one of the first magnitude, of the greatest importance, and connected directly with the permanent interest and welfare of the whole country. We have now to decide whether this, the popular branch of the National Legislature—whether we, the representatives of the people, to whom the constitution has intrusted, in an especial manner, the guardianship and the duty of preserving the public treasure—shall surrender up our trust, abandon our own views of public duty, and conform to the wishes and will of the Senate. A principle of deep interest is thus involved in this question, besides that of mere expediency in relation to the particular measure under consideration. Can any one doubt the line of duty thus plainly marked out to us? Are we not bound in justice to ourselves, in justice to the constitution and to the best interests of the country, firmly to adhere to our

first resolve? Upon the point of expediency, whatever doubt may have existed in the minds of any, whether there would be a surplus of any considerable amount at the end of the year, when this proposition was first submitted, surely now, since the land bill has been laid upon the table, and not the slightest prospect remains of reviving it at the present session, there is no longer any ground of uncertainty as to that question. All must now admit, not only that there will be a surplus, but that it will be a very large one; and the question is now presented, and must be decided by the vote which we are about to take, whether the fifteen or twenty millions in the Treasury, over and above the demands of the public service, will be more secure when deposited with and distributed among the several States of the Union, or in State banks over which we have no control, whose condition at this moment is inflated, uncertain, and perilous in the highest degree. Those who think the States less safe or trustworthy than the numerous State banks which hold the public moneys in deposit, will of course be against us.

Another great question is presented, and must be decided by our present action. It is, whether we shall suffer a surplus revenue, the unavoidable and unforeseen result of past legislation, to remain in the national Treasury to tempt the next Congress, as it has done the present one, to swell the expenditures of the Government in a degree and in a manner wholly inconsistent with every idea of economy. I do not intend to enter further into the argument. I have observed, at another step of the progress of this measure, that I considered the argument, both for and against it, fully before the country; and I conclude by moving that this House do insist upon its disagreement to the Senate's amendment.

The SPEAKER said that motion, if rejected, would be equivalent to a motion to agree to the amendment.

Mr. VANDERPOEL said that, as he believed every gentleman had made up his mind, he would move the previous question.

The question then recurred on the demand for the previous question, and was decided in the affirmative.

So there was a second.

Mr. HOWELL demanded the yeas and nays on ordering the main question; which were refused. And the House determined that the main question should be now taken.

Mr. BELL asked for the yeas and nays on the main question; which were ordered.

And the main question, "Will the House disagree to the amendment of the Senate?" was taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Borden, Briggs, Buchanan, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne,

Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, French, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Harlan, Harlan, Harper, Hawes, Hazeltine, Henderson, Heister, Herod, Hoar, Hopkins, Howell, Hunt, Ingersoll, William Jackson, James, Jenifer, Henry Johnson, Kennon, Kilgore, Lane, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Samson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morgan, Morris, Parker, James A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Robertson, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Store, Sutherland, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams—110.

NAYS.—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Chaney, Chapin, John F. H. Claiborne, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fry, Fuller, James Garland, Gholson, Glascock, Grantland, Haley, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, William Mason, M. Mason, McKay, McKeon, McKim, McLene, Miller, Muhlenberg, Patterson, Patton, Franklin Pierce, Dutée J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Taylor, Thomas, John Thomson, Turrill, Vanderpoel, Wagoner, Ward, Wardwell, Webster, Thomas T. Whittlesey, Wise, Yell—94.

So the House disagreed to the amendment of the Senate.

FRIDAY, March 3.

French Spoliations prior to 1800.

Mr. HOWARD said that he was instructed by the Committee on Foreign Affairs, to which were referred numerous memorials from claimants for French spoliations prior to 1800, to move that a list of those claimants, which he held in his hand, be printed for the use of the House. It had been asserted, by those opposed to the claims, that they were chiefly in the hands of speculators, who had purchased them at a small price, and were therefore not entitled to as much justice as the original sufferers would have been. The committee had endeavored to classify the petitioners; and the result would show that there was little or no foundation for this opinion. When the names should be printed, he hoped the members of the House would test its accuracy by examining the names of the claimants in the several States.

Mr. H. said he would add, upon his individual responsibility as a member of this House, that, from a laborious investigation, he was satisfied of the intrinsic justice of these claims,

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Fortification Bill—Distribution of the Surplus.

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and believed that they must and would be paid at some time or other. As far as his voice could reach, he encouraged the claimants to persevere, and not suffer their energy to be overcome by the long delay which had been heretofore painfully, and, he would add, unjustly experienced.

The following is an abstract of the list :

Abstract of petitioners on account of French spoiliations prior to 1800, and whose memorials are now before Congress, viz :

From the State of Maine,	-	-	-	69
“ “ New Hampshire,	-	-	-	58
“ “ Vermont,	-	-	-	2
“ “ Massachusetts,	-	-	-	262
“ “ Rhode Island,	-	-	-	25
“ “ Connecticut,	-	-	-	60
“ “ New York,	-	-	-	101
“ “ New Jersey,	-	-	-	4
“ “ Pennsylvania,	-	-	-	106
“ “ Delaware,	-	-	-	5
“ “ Maryland,	-	-	-	124
“ “ District of Columbia,	-	-	-	20
“ “ Virginia,	-	-	-	49
“ “ North Carolina,	-	-	-	25
“ “ South Carolina,	-	-	-	27
“ “ Georgia,	-	-	-	3
“ “ Kentucky,	-	-	-	3
“ “ Ohio,	-	-	-	6
“ “ Alabama,	-	-	-	2
“ “ Mississippi,	-	-	-	1
“ “ Louisiana,	-	-	-	2
“ “ Missouri,	-	-	-	1
“ “ Indiana,	-	-	-	1

Total, 956

And the following appears to be a proper classification of the above-stated petitioners, viz :

Petitions of original claimants in their own right,	445
“ of administrators,	107
“ of executors,	113
“ for heirs,	37
“ for estates,	45
“ as surviving partners,	79
“ as guardians,	2
“ widows for estates,	4
“ as assignees of bankrupts and as trustees of insolvents,	52
“ of insurance companies, as assignees of original claimants, for losses covered by insurance,	-
“ of original claimants, “for self and others,”	-
“ “ “ “by attorney,”	-
“ “ “ “by agents,”	-
Total,	956

The motion of Mr. H. was agreed to, without a division.

Mr. Wise, from the Select Committee appointed to inquire into the condition of the various executive departments, presented the reports

of the majority and minority of that committee, and also the views of an individual member of the committee, which he moved to lay on the table, and that the reports, journal of the committee, and accompanying documents, be printed; which was agreed to.

Fortification Bill.

The House proceeded to the consideration of the bill making appropriations for certain fortifications, and for other purposes, for the year 1837; which said bill had been returned from the Senate with a message that that body insisted on its amendment, by which the amendment of this House, providing for the distribution of such surplus revenue as might remain in the Treasury of the United States on the 1st of January next, reserving five millions of dollars, according to the provisions of the act to regulate the public deposits, approved June 23, 1836, was rejected.

Mr. BELL, after a few introductory remarks, urging the propriety and necessity of the motion he was about to make, moved that the House insist on its disagreement to the amendment of the Senate, and asked for the yeas and nays on that motion; which were ordered.

And the main question was then taken, and decided—yeas 106, nays 88.

So the House insisted on their disagreement to the amendment of the Senate.

Thanks to the Speaker.

On motion of Mr. MUHLENBERG, (Mr. PIERCE, of New Hampshire, then temporarily occupying the chair,)

Resolved, unanimously, That the thanks of this House be presented to the honorable JAMES K. POLK, for the able, dignified, and impartial manner with which he has presided over its deliberations, and performed the arduous and important duties of the Chair.

Fortification Bill—Distribution of the Surplus.

Mr. BELL then asked the general consent of the House to make a report from the committee of conference.

Leave being granted,

Mr. BELL rose and said: Mr. Speaker: The committee of conference appointed on the part of this House to meet a similar committee appointed by the Senate, on their motion, upon the subject of the disagreeing votes of the two Houses in relation to the amendment of the Senate which proposed to strike out from the “bill making appropriations for certain fortifications of the United States for the year 1837, and for other purposes,” that clause proposing to distribute the surplus revenue on the 1st day of January next, report that they have performed the duty assigned them, and have come to no agreement. Mr. B. therefore felt it his duty to report this fact to the House, that it might, if it chose, at this period of the sitting, proceed to take such other steps as it should think

proper; and he now moved that the House do adhere to their disagreement.

Mr. HAWES asked for the yeas and nays on this motion; which were ordered.

The question then recurring upon the motion of Mr. BELL, that the House do adhere to their disagreement to the Senate's amendment—

Mr. CAMBRELENG said, as this was the last vote that could be taken on this subject, he had merely to state that, if the House adhered, the bill was lost. [Loud cries of order! order! from several parts of the hall; and if Mr. C. did make any additional remarks, his voice was entirely drowned by the noise.]

Mr. GRANGER. The chairman of the Committee of Ways and Means had announced that this bill was lost if the House adhered. How did he know that?

Mr. CAMBRELENG. I have the assurance from the committee on the part of the Senate.

Mr. BELL remarked that the gentleman's declaration was a most extraordinary one. The committee of three persons on the part of the Senate, or any number of gentlemen of that House, might think that, because that committee could come to no agreement, the body it represented might not. But nothing could be more true than that the committee of the Senate could not vote for or speak for the whole body of the Senate, or even for a majority of it. They spoke, and spoke only, their own sentiments; the same as the committee on the part of the House spoke their sentiments as a committee. Neither could speak or vote for the whole body or a majority of it; else why the necessity of approving, disapproving, adopting, or rejecting their report?

Mr. ADAMS inquired if the gentleman from New York was in order in referring to what had taken place before the committee of conference.

The CHAIR (temporarily occupied by Mr. PIERCE, of New Hampshire) said the point ought to have been raised at the time.

Mr. ADAMS had understood the point of order was made, for the gentleman was loudly called to order; and Mr. A. held it to be the duty of the Speaker at once to have arrested the remarks.

The CHAIR had heard no gentleman rise in his place and raise the point of order, or he should have at once entertained it.

Mr. ADAMS. Was it in order for the gentleman from New York to intimidate, or to make remarks for the purpose of intimidating, the members of this House in the votes they might be about to give?

The CHAIR had not heard any "intimidation" thrown out by the member from New York.

Mr. ADAMS expressed a hope that no member would be influenced by what fell from the chairman of the Committee of Ways and Means.

Mr. CAMBRELENG said, gentlemen might take the responsibility of losing the fortification bill if they pleased. Upon him at least it would not rest, and he should vote to recede.

Mr. VANDERPOEL thought it entirely useless to be indulging in recrimination on this subject. He believed every man had made up his mind, and was willing to assume the responsibility, if any there was, or would be, in this matter. For his own part, he was perfectly ready and willing to take his share of it. He had voted against the proposition ingrafted on this bill in the first instance, because it contained what he believed to be a most obnoxious principle—that of distribution; and which, in his opinion, counterbalanced and overbalanced all the benefits of the fortification bill. He was also willing to vote against it again, on the same ground, and to assume his share of the responsibility; but, believing that speeches would make no converts, he hoped the question would be taken without further debate.

Mr. LANE said, the bill called the deposit bill of the last session sprang from a legitimate source, from one of the standing committees, and was a bill connected with but a single other provision near of kin. It was known, officially known, that a large surplus had and would accumulate in the Treasury, beyond the wants of the Government, and there was time for the action of Congress, and an apparent necessity for it. Otherwise, in the present case, it has been introduced as an amendment to the fortification bill—a bill upon which the safety of our commerce, our cities, our people, and the national honor, depend—at the close of the session; not a bill of this House, but of the Senate. The Senate has refused to concur. This House has adhered. The Senate again refuse to concur, and, in all due courtesy, has asked a committee of conference. That committee fail to agree; and it now remains to be determined whether this House will recede; if it does not, the fortification bill, so important to the defence of the country, must fall.

If a pertinacious adherence to the amendment would save the amendment, even at the loss of the fortification bill, there would exist some reason for firmness; but the disagreement has arrived at that point of legislation which, by the vote now to be taken on the motion to recede, is to decide the fate of both: to recede is to pass the fortification bill—to refuse is the loss of both. This House must recede, or they sleep together.

Mr. L. said he called upon honorable members to pause and reflect before they gave such a vote; a vote that would not only put a stop to all the public works now in progress, and permit them to fall into decay, but blight the national credit and honor by a breach of national faith. Existing contracts must be violated, for the want of money in the hands of the Executive to fulfil them.

Sir, (said Mr. L.,) when does the amendment propose to deposit the surplus revenue? Not until January, 1838.

Mr. L. said he would call upon honorable members to say if any necessity existed for such premature action upon the subject of the

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Speaker's Address.

[H. OF R.]

surplus revenue. The amendment proposed to distribute in January, 1838, before it can be known whether there will be any to distribute. A war with Mexico, or a protracted one with the Indian tribes, and it would all be swallowed up for national defence. Suppose a large surplus should accumulate, there will be ample time for the next Congress to act upon the subject before the amendment, if adopted, could take effect. Sir, this House has but a few hours to act; the next Congress will have a month. From estimates laid before them, they will be able to act advisedly upon the subject.

Mr. MANN, of New York, expressed a hope that this question was not to be debated again at this late hour; and he therefore demanded the previous question.

Mr. GLASCOCK. I second the motion, for I do hope that it will not be debated any more.

The demand for the previous question was then seconded by the House—yeas 135; and the main question was ordered, without a division.

Mr. BRIGGS asked for the yeas and nays on the main question; which were ordered, and were—yeas 107, nays 87, as follows:

YEAS.—Messrs. Adams, C. Allan, H. Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, J. Calhoun, W. B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, N. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, Fowler, French, R. Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, H. Hall, Hard, Hardin, Harlan, Harper, Hawes, Hazeltine, Heister, Herod, Hoar, Hopkins, Howell, Hunt, Ingersoll, W. Jackson, James, Jenifer, H. Johnson, Kilgore, Lawrence, Lay, T. Lee, L. Lea, Lewis, Lincoln, Love, Lyon, J. Mann, S. Mason, Maury, May, McCarty, McComas, McKennan, McLene, Mercer, Milligan, Montgomery, Parker, J. A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, W. B. Shepard, A. H. Shepperd, Slade, Standefer, Storer, Sutherland, Taliaferro, W. Thomson, Turner, Underwood, Vinton, Washington, White, E. Whittlesey, L. Williams, S. Williams—107.

NAYS.—Messrs. Anthony, Ash, Barton, Beaumont, Black, Boeckee, Bovee, Boyd, Burns, Bynum, Cambreleng, Chapman, Chapin, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fuller, J. Garland, Gholson, Glascock, Grantland, Haley, Hamer, Hannegan, A. G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Huntsman, Ingham, J. Johnson, C. Johnson, J. W. Jones, Kennon, Lane, Lansing, Lawler, G. Lee, J. Lee, Leonard, Logan, Loyall, Lucas, A. Mann, Martin, W. Mason, M. Mason, McKay, McKeon, McKim, Miller, Muhlenberg, Page, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Shinn, Sickles, Smith, Sprague, Taylor, Thomas, J. Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, T. T. Whittlesey, Wise, Yell—87.

So the House determined to adhere to its disagreement to the Senate's amendment; and a message was sent to that body, by its Clerk, notifying them of the fact.

Vol. XIII.—22

Speaker's Address.

The SPEAKER then rose and addressed the House as follows:

GENTLEMEN: The twenty-fourth Congress has now closed its deliberations, and, being about to be dissolved, I seize the moment of our separation to return to this House my profound acknowledgments for the many evidences I have had of your indulgent kindness, and generous confidence and support, during the period I have presided over your deliberations; but more especially do I return to you my sincere thanks for the vote you have been pleased this day to pass, approving my official conduct in the chair. No language, gentlemen, can adequately convey the deep sense of gratitude which this testimonial of your good opinion has excited in my breast. The gratification which it has afforded is the greater, because the resolution which you have passed conveys the voluntary and deliberately expressed opinions of gentlemen, with many of whom I have been long associated here, all of whom have been the eyewitnesses of my conduct as the presiding officer of this House, and whose friendship, esteem, and confidence, I shall cherish to the latest hour of my life.

I entered upon the duties of this high station with a full sense of the responsibility which must often devolve upon me, and with the fixed purpose, if I know my own heart, so to discharge those duties as to merit the respect and good opinion of this House and the approbation of the country. I have had no other desire than that the rules and parliamentary laws by which our proceedings are regulated should be properly expounded and correctly administered. It is due to candor to say that the steady and unwavering support which you have upon all occasions given me has alone enabled me successfully to discharge the duties assigned me. The anxiety and solicitude which I have often felt, and especially in seasons of great political excitement, from which our deliberations have not been exempt, to perform my duty, not only with faithfulness, but acceptably to the House and to the country, can be known and appreciated only by him who has filled this chair. Amidst the embarrassments and difficulties which have often surrounded me, it has given me pleasure, upon all occasions, to court the advice and correction of the House if I erred; and it is a source of the highest gratification to me to know that, upon the numerous occasions when the House has been appealed to to affirm or reverse the official decisions which it was my duty to make, you have promptly given me your support. I am not vain enough to believe that I have passed through the many trying occasions which have occurred in the course of our deliberations, during which many difficult and often novel questions of parliamentary law and practice have been suddenly presented for instantaneous decision, without having often fallen into error. If, however, I have erred, I trust it has not been on points material; I know it has not been intentional; and the approbation of my official conduct which you have this day expressed affords the highest proof that you have generously overlooked my errors, and done more than justice to the unwearied efforts I have made to merit your good opinion, and, so far as depended on my official acts, to promote the interests of our constituents.

If, gentlemen, in the course of our deliberations as the representatives of the nation, there has been

H. OF R.]

Adjournment.

[MARCH, 1837.]

occasional excitement or feeling, growing out of political collisions, the natural offspring of honest differences of opinion, now that we are about to separate, many of us never again to meet in this hall, or "this side the grave," may we not hope that all recollection of unpleasant incidents that are passed may be forgotten, and that each one of us, whatever may be his future destiny, may devote himself to the advancement of the best interests of our country. In taking leave of you, gentlemen, I wish you a safe

return to your families and friends; and my prayer is, that the blessings of an overruling Providence may rest upon you all.

And now it only remains for me to perform the last duty assigned me, by the adjournment of this House, and, accordingly, I announce that this House stands adjourned without day.

The House then adjourned.

SEPTEMBER, 1837.]

President's Proclamation.

[SENATE.]

TWENTY-FIFTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, SEPTEMBER 4, 1837.

PROCEEDINGS AT EXTRA SESSION.

Executive Government for the Thirtieth Presidential Term commencing 4th March, 1837, and ending 3d March, 1841.

MARTIN VAN BUREN, of New York, *President.*

RICHARD M. JOHNSON, of Kentucky, *Vice President.*

Secretary of State.

JOHN FORSYTH. [Appointed in the previous term.]

Secretary of the Treasury.

LEVI WOODBURY. [Appointed in the previous term.]

Secretary of War.

JOEL R. POINSETT. [Appointed 4th March, 1837.]

Secretary of the Navy.

MAHLON DICKERSON. [Appointed in the previous term.]

Postmaster General.

AMOS KENDALL. [Appointed in the previous term.]

Attorney General.

BENJAMIN F. BUTLER. [Appointed in the previous term.]

PROCEEDINGS IN THE SENATE.*

In pursuance of the authority given by the constitution, the President of the United States, on the 15th day of May, caused to be issued the proclamation which follows:

Whereas great and weighty matters, claiming the consideration of the Congress of the United States,

form an extraordinary occasion for convening them, I do, by these presents, appoint the first Monday of September next for their meeting at the city of Washington; hereby requiring the respective Senators and Representatives then and there to assemble in Congress, in order to receive such communications as may then be made to them, and to consult and

* LIST OF MEMBERS OF THE SENATE.

Maine.—John Ruggles, Ruel Williams.
New Hampshire.—Henry Hubbard, Franklin Pierce.
Massachusetts.—John Davis, Daniel Webster.
Rhode Island.—Nehemiah R. Knight, Asher Robbins.
Connecticut.—John M. Niles, Perry Smith.
Vermont.—Samuel Prentiss, Benjamin Swift.
New York.—Nathaniel P. Tallmadge, Silas Wright.
New Jersey.—Samuel L. Southard, Garrett D. Wall.
Pennsylvania.—James Buchanan, Samuel McKean.
Delaware.—Richard H. Bayard, Thomas Clayton.
Maryland.—Joseph Kent, John S. Spence.
Virginia.—William C. Rives, John J. Roane.

North Carolina.—Bedford Brown, Robert Strange.
South Carolina.—John C. Calhoun, William C. Preston.
Georgia.—Alfred Cuthbert, John P. King.
Alabama.—Clement C. Clay, William R. King.
Mississippi.—John Black, Robert J. Walker.
Louisiana.—Alexander Mouton, Robert C. Nicholas.
Tennessee.—Felix Grundy, Hugh L. White.
Kentucky.—Henry Clay, John J. Crittenden.
Arkansas.—William S. Fulton, Ambrose H. Sevier.
Missouri.—Thomas H. Benton, Lewis F. Linn.
Illinois.—John M. Robinson, Richard M. Young.
Indiana.—Oliver H. Smith, John Tipton.
Ohio.—William Allen, Thomas Morris.
Michigan.—Lucius Lyon, John Norvell.

determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

In testimony whereof, I have caused the seal of [L. s.] the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, the fifteenth day of May, in the year of our Lord one thousand eight hundred and thirty-seven, and of the independence of the United States, the sixty-first. M. VAN BUREN.

By the President :

JOHN FORSYTH, Secretary of State.

MONDAY, September 4, 1837.

This being the day designated in the proclamation of the President of the United States for a special meeting of both Houses of Congress, the Senate assembled in the Senate Chamber at the Capitol, at the usual hour of 12 o'clock.

Hon. RICHARD M. JOHNSON, Vice President of the United States, called the Senate to order at 12 o'clock, when forty-two Senators appeared in their seats.

Mr. KING, of Alabama, presented the credentials of Messrs. C. C. CLAY and ROBERT STRANGE, Senators as above, who took the usual oath.

Mr. RIVES presented the credentials of Mr. ROANE, Senator as above, who was also qualified.

On motion of Mr. KING, of Alabama, the Secretary of the Senate was instructed to inform the House of Representatives that a quorum of the Senate was now present, and ready to proceed to business.

Mr. WRIGHT moved that a committee be appointed to join a similar committee from the House, in order to wait upon the President of the United States, and inform him that Congress was assembled and ready to receive such communication as he might have to make; and the motion was agreed to.

The CHAIR was, on motion of Mr. KING, of Alabama, authorized to appoint the said committee; and Mr. WRIGHT, and Mr. KING, of Alabama, were appointed accordingly.

On motion of Mr. LINN, the usual number of newspapers was ordered for the use of the Senators.

The Senate then, on motion, proceeded to the election of the Sergeant-at-arms and Doorkeeper to the Senate; whereupon STEPHEN HAIGHT (the late doorkeeper) was unanimously elected, at the first balloting, Sergeant-at-arms to the Senate, in room of the late Sergeant, Mr. SHACKFORD, deceased; and at the third balloting, Mr. EDWARD WYER was elected (out of many candidates) Doorkeeper in room of Mr. HAIGHT.

And then the Senate adjourned.

TUESDAY, September 5.

A message was received from the House of Representatives, through Mr. FRANKLIN, their

Clerk, announcing to the Senate that a quorum of the House had assembled, had elected a Speaker, had concurred with the resolution of the Senate for appointing a committee to wait on the President of the United States, and had appointed a committee on their part.

Mr. WRIGHT, from the joint committee appointed to inform the President of the United States that a quorum of the two Houses was assembled and ready to proceed to business, reported that the committee had performed the duty assigned them, and that the President had expressed to them his intention to communicate to the two Houses, in writing, this day at 12 o'clock.

A Message was accordingly received from the President of the United States, by Mr. VAN BUREN, his private secretary, and was read by the Secretary, as follows :

Fellow-citizens of the Senate

and House of Representatives :

The act of the 23d of June, 1836, regulating the deposits of the public money, and directing the employment of State, District, and Territorial banks for that purpose, made it the duty of the Secretary of the Treasury to discontinue the use of such of them as should at any time refuse to redeem their notes in specie, and to substitute other banks, provided a sufficient number could be obtained to receive the public deposits upon the terms and conditions therein prescribed. The general and almost simultaneous suspension of specie payments by the banks in May last, rendered the performance of his duty imperative, in respect to those which had been selected under the act; and made it, at the same time, impracticable to employ the requisite number of others, upon the prescribed conditions. The specific regulations established by Congress for the deposit and safe-keeping of the public moneys having thus unexpectedly become inoperative, I felt it to be my duty to afford you an early opportunity for the exercise of your supervisory powers over the subject.

I was also led to apprehend that the suspension of specie payments, increasing the embarrassments before existing in the pecuniary affairs of the country, would so far diminish the public revenue, that the accruing receipts into the Treasury would not, with the reserved five millions, be sufficient to defray the unavoidable expenses of the Government, until the usual period for the meeting of Congress; whilst the authority to call upon the States for a portion of the sums deposited with them, was too restricted to enable the Department to realize a sufficient amount from that source. These apprehensions have been justified by subsequent results, which render it certain that this deficiency will occur, if additional means be not provided by Congress.

The difficulties experienced by the mercantile interest, in meeting their engagements, induced them to apply to me, previously to the actual suspension of specie payments, for indulgence upon their bonds for duties; and all the relief authorized by law was promptly and cheerfully granted. The dependence of the Treasury upon the avails of these bonds, to enable it to make the deposits with the States required by law, led me in the outset to limit this indulgence to the first of September, but it has since been extended to the first of October, that the matter might be submitted to your further direction.

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The President's Message.

[SENATE.]

Questions were also expected to arise in the recess in respect to the October instalment of those deposits, requiring the interposition of Congress.

A provision of another act, passed about the same time, and intended to secure a faithful compliance with the obligation of the United States to satisfy all demands upon them in specie or its equivalent, prohibited the offer of any bank note, not convertible on the spot into gold or silver at the will of the holder; and the ability of the Government, with millions on deposit, to meet its engagements in the manner thus required by law, was rendered very doubtful by the event to which I have referred.

Sensible that adequate provisions for these unexpected exigencies could only be made by Congress; convinced that some of them would be indispensably necessary to the public service, before the regular period of your meeting; and desirous also to enable you to exercise, at the earliest moment, your full constitutional powers for the relief of the country, I could not, with propriety, avoid subjecting you to the inconvenience of assembling at as early a day as the state of the popular representation would permit. I am sure that I have done but justice to your feelings, in believing that this inconvenience will be cheerfully encountered, in the hope of rendering your meeting conducive to the good of the country.

During the earlier stages of the revulsion through which we have just passed, much acrimonious discussion arose, and great diversity of opinion existed as to its real causes. This was not surprising. The operations of credit are so diversified, and the influences which affect them so numerous, and often so subtle, that even impartial and well-informed persons are seldom found to agree in respect to them. To inherent difficulties were also added other tendencies, which were by no means favorable to the discovery of truth. It was hardly to be expected that those who disapproved the policy of the Government in relation to the currency, would, in the excited state of public feeling produced by the occasion, fail to attribute to that policy any extensive embarrassment in the monetary affairs of the country. The matter thus became connected with the passions and conflicts of party; opinions were more or less affected by political considerations; and differences were prolonged which might otherwise have been determined by an appeal to facts, by the exercise of reason, or by mutual concession. It is, however, a cheering reflection that circumstances of this nature cannot prevent a community so intelligent as ours from ultimately arriving at correct conclusions. Encouraged by the firm belief of this truth, I proceed to state my views, so far as may be necessary to a clear understanding of the remedies I feel it my duty to propose, and of the reasons by which I have been led to recommend them.

The history of trade in the United States for the last three or four years affords the most convincing evidence that our present condition is chiefly to be attributed to over-action in all the departments of business; an over-action deriving, perhaps, its first impulses from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper and by other facilities, for the acquisition and enlargement of credit. At the commencement of the year 1834, the banking capital of the United States, including that of the national bank then existing, amounted to about two hundred millions of dollars; the bank notes then in circulation to about ninety-five millions; and the loans and discounts of

the banks to three hundred and twenty-four millions. Between that time and the first of January, 1836, being the latest period to which accurate accounts have been received, our banking capital was increased to more than two hundred and fifty-one millions; our paper circulation to more than one hundred and forty millions; and the loans and discounts to more than four hundred and fifty-seven millions. To this vast increase are to be added the many millions of credit, acquired by means of foreign loans, contracted by the States and State institutions, and, above all, by the lavish accommodations extended by foreign dealers to our merchants.

The consequences of this redundancy of credit, and of the spirit of reckless speculation engendered by it, were a foreign debt contracted by our citizens, estimated in March last at more than thirty millions of dollars; the extension to traders in the interior of our country of credits for supplies, greatly beyond the wants of the people; the investment of thirty-nine and a half millions of dollars in unproductive public lands, in the years 1835 and 1836, whilst in the preceding year the sales amounted to only four and a half millions; the creation of debts, to an almost countless amount, for real estate in existing or anticipated cities and villages, equally unproductive, and at prices now seen to have been greatly disproportionate to their real value; the expenditure of immense sums in improvements which, in many cases, have been found to be ruinously improvident; the diversion to other pursuits of much of the labor that should have been applied to agriculture, thereby contributing to the expenditure of large sums in the importation of grain from Europe—an expenditure which, amounting in 1834 to about two hundred and fifty thousand dollars, was, in the first two quarters of the present year, increased to more than two millions of dollars; and, finally, without enumerating other injurious results, the rapid growth among all classes, and especially in our great commercial towns, of luxurious habits, founded too often on merely fancied wealth, and detrimental alike to the industry, the resources, and the morals of our people.

It was so impossible that such a state of things could long continue, that the prospect of revulsion was present to the minds of considerate men before it actually came. None, however, had correctly anticipated its severity. A concurrence of circumstances, inadequate of themselves to produce such widespread and calamitous embarrassments, tended so greatly to aggravate them, that they cannot be overlooked in considering their history. Among these may be mentioned, as most prominent, the great loss of capital sustained by our commercial emporium in the fire of December, 1835—a loss the effects of which were underrated at the time, because postponed for a season by the great facilities of credit then existing; the disturbing effects, in our commercial cities, of the transfers of the public moneys required by the deposit law of June, 1836; and the measures adopted by the foreign creditors of our merchants to reduce their debts, and to withdraw from the United States a large portion of our specie.

However unwilling any of our citizens may heretofore have been to assign to these causes the chief instrumentality in producing the present state of things, the developments subsequently made, and the actual condition of other commercial countries, must, as it seems to me, dispel all remaining doubts upon the subject. It has since appeared that evils, similar to those suffered by ourselves, have been ex-

perienced in Great Britain, on the continent, and, indeed, throughout the commercial world; and that in other countries, as well as in our own, they have been uniformly preceded by an undue enlargement of the boundaries of trade, prompted, as with us, by unprecedented expansions of the systems of credit. A reference to the amount of banking capital, and the issues of paper credit put in circulation in Great Britain, by banks, and in other ways, during the years 1834, 1835, and 1836, will show an augmentation of the paper currency there, as much disproportioned to the real wants of trade as in the United States. With this redundancy of the paper currency, there arose in that country also a spirit of adventurous speculation, embracing the whole range of human enterprise. Aid was profusely given to projected improvements; large investments were made in foreign stocks and loans; credits for goods were granted with unbounded liberality to merchants in foreign countries; and all the means of acquiring and employing credit were put in active operation, and extended in their effects to every department of business, and to every quarter of the globe. The reaction was proportioned in its violence to the extraordinary character of the events which preceded it. The commercial community of Great Britain were subjected to the greatest difficulties, and their debtors in this country were not only suddenly deprived of accustomed and expected credits, but called upon for payments, which, in the actual posture of things here, could only be made through a general pressure, and at the most ruinous sacrifices.

In view of these facts, it would seem impossible for sincere inquirers after truth to resist the conviction that the causes of the revulsion in both countries have been substantially the same. Two nations, the most commercial in the world, enjoying but recently the highest degree of apparent prosperity, and maintaining with each other the closest relations, are suddenly, in a time of profound peace, and without any great national disaster, arrested in their career, and plunged into a state of embarrassment and distress. In both countries, we have witnessed the same redundancy of paper money, and other facilities of credit; the same spirit of speculation; the same partial successes; the same difficulties and reverses; and, at length, nearly the same overwhelming catastrophe. The most material difference between the results in the two countries has only been, that with us there has also occurred an extensive derangement in the fiscal affairs of the Federal and State Governments, occasioned by the suspension of specie payments by the banks.

The history of these causes and effects in Great Britain and the United States, is substantially the history of the revulsion in all other commercial countries.

The present and visible effects of these circumstances on the operations of the Government, and on the industry of the people, point out the objects which call for your immediate attention.

They are—to regulate by law the safe-keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the Government; to enable the Treasury to meet promptly every demand upon it; to prescribe the terms of indulgence, and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories; and to devise and adopt such further measures, within the constitutional competency of Congress, as will be best calculated to revive the

enterprise, and to promote the prosperity of the country.

For the deposit, transfer, and disbursement of the revenue, National and State banks have always, with temporary and limited exceptions, been heretofore employed; but, although advocates of each system are still to be found, it is apparent that the events of the last few months have greatly augmented the desire, long existing among the people of the United States, to separate the fiscal operations of the Government from those of individuals or corporations.

Again to create a national bank, as a fiscal agent, would be to disregard the popular will, twice solemnly and unequivocally expressed. On no question of domestic policy is there stronger evidence that the sentiments of a large majority are deliberately fixed; and I cannot concur with those who think they see, in recent events, a proof that these sentiments are, or a reason that they should be, changed.

Events, similar in their origin and character, have heretofore frequently occurred, without producing any such change; and the lessons of experience must be forgotten, if we suppose that the present overthrow of credit would have been prevented by the existence of a national bank. Proneness to excessive issues has ever been the vice of the banking system; a vice as prominent in national as in State institutions. This propensity is as subservient to the advancement of private interests in the one as in the other; and those who direct them both, being principally guided by the same views, and influenced by the same motives, will be equally ready to stimulate to extravagance of enterprise by improvidence of credit. How strikingly is this conclusion sustained by experience! The Bank of the United States, with the vast powers conferred on it by Congress, did not, or could not, prevent former and similar embarrassments; nor has the still greater strength it has been said to possess under its present charter, enabled it, in the existing emergency, to check other institutions, or even to save itself. In Great Britain, where, it has been seen, the same causes have been attended with the same effects, a national bank, possessing powers far greater than are asked for by the warmest advocates of such an institution here, has also proved unable to prevent an undue expansion of credit, and the evils that flow from it. Nor can I find any tenable ground for the re-establishment of a national bank, in the derangement alleged at present to exist in the domestic exchanges of the country, or in the facilities it may be capable of affording them. Although advantages of this sort were anticipated when the first bank of the United States was created, they were regarded as an incidental accommodation; not one which the Federal Government was bound, or could be called upon, to furnish. This accommodation is now, indeed, after the lapse of not many years, demanded from it as among its first duties, and an omission to aid and regulate commercial exchange is treated as a ground of loud and serious complaint. Such results only serve to exemplify the constant desire, among some of our citizens, to enlarge the powers of the Government, and extend its control to subjects with which it should not interfere. They can never justify the creation of an institution to promote such objects. On the contrary, they justly excite among the community a more diligent inquiry into the character of those operations of trade, towards which it is desired to extend such peculiar favors.

The various transactions which bear the name of

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The President's Message.

[SENATE.]

domestic exchanges, differ essentially in their nature, operation, and utility. One class of them consists of bills of exchange, drawn for the purpose of transferring actual capital from one part of the country to another, or to anticipate the proceeds of property actually transmitted. Bills of this description are highly useful in the movements of trade, and well deserve all the encouragement which can rightfully be given to them. Another class is made up of bills of exchange, not drawn to transfer actual capital, nor on the credit of property transmitted, but to create fictitious capital, partaking at once of the character of notes discounted in bank, and of bank notes in circulation, and swelling the mass of paper credits to a vast extent, in the most objectionable manner. These bills have formed, for the last few years, a large proportion of what are termed the domestic exchanges of the country, serving as the means of usurious profit, and constituting the most unsafe and precarious paper in circulation. This species of traffic, instead of being upheld, ought to be discountenanced by the Government and the people.

In transferring its funds from place to place, the Government is on the same footing with the private citizen, and may resort to the same legal means. It may do so through the medium of bills drawn by itself, or purchased from others; and in these operations it may, in a manner undoubtedly constitutional and legitimate, facilitate and assist exchanges of individuals founded on real transactions of trade. The extent to which this may be done, and the best means of affecting it, are entitled to the fullest consideration. This has been bestowed by the Secretary of the Treasury, and his views will be submitted to you in his report.

But it was not designed by the constitution that the Government should assume the management of domestic or foreign exchange. It is, indeed, authorized to regulate by law the commerce between the States, and to provide a general standard of value, or medium of exchange, in gold and silver; but it is not its province to aid individuals in the transfer of their funds, otherwise than through the facilities afforded by the Post Office Department. As justly might it be called on to provide for the transportation of their merchandise. These are operations of trade. They ought to be conducted by those who are interested in them, in the same manner that the incidental difficulties of other pursuits are encountered by other classes of citizens. Such aid has not been deemed necessary in other countries. Throughout Europe, the domestic as well as the foreign exchanges are carried on by private houses, often, if not generally, without the assistance of banks. Yet they extend throughout distinct sovereignties, and far exceed in amount the real exchanges of the United States. There is no reason why our own may not be conducted in the same manner, with equal cheapness and safety. Certainly this might be accomplished, if it were favored by those most deeply interested; and few can doubt that their own interest, as well as the general welfare of the country, would be promoted by leaving such a subject in the hands of those to whom it properly belongs. A system founded on private interest, enterprise, and competition, without the aid of legislative grants or regulations by law, would rapidly prosper; it would be free from the influence of political agitation, and extend the same exemption to trade itself; and it would put an end to those complaints of neglect, partiality, injustice, and oppression,

which are the unavoidable results of interference by the Government in the proper concerns of individuals. All former attempts on the part of the Government to carry its legislation, in this respect, further than was designed by the constitution, have in the end proved injurious, and have served only to convince the great body of the people, more and more, of the certain dangers of blending private interests with the operations of public business; and there is no reason to suppose that a repetition of them now would be more successful.

It cannot be concealed that there exists, in our community, opinions and feelings on this subject in direct opposition to each other. A large portion of them, combining great intelligence, activity, and influence, are no doubt sincere in their belief that the operations of trade ought to be assisted by such a connection; they regard a national bank as necessary for this purpose, and they are disinclined to every measure that does not tend, sooner or later, to the establishment of such an institution. On the other hand, a majority of the people are believed to be irreconcilably opposed to that measure: they consider such a concentration of power dangerous to their liberties; and many of them regard it as a violation of the constitution. This collision of opinion has, doubtless, caused much of the embarrassment to which the commercial transactions of the country have lately been exposed. Banking has become a political topic of the highest interest, and trade has suffered in the conflict of parties. A speedy termination of this state of things, however desirable, is scarcely to be expected. We have seen for nearly half a century that those who advocate a national bank, by whatever motive they may be influenced, constitute a portion of our community too numerous to allow us to hope for an early abandonment of their favorite plan. On the other hand, they must indeed form an erroneous estimate of the intelligence and temper of the American people, who suppose that they have continued, on slight or insufficient grounds, their persevering opposition to such an institution; or that they can be induced by pecuniary pressure, or by any other combination of circumstances, to surrender principles they have so long and so inflexibly maintained.

My own views of the subject are unchanged. They have been repeatedly and unreservedly announced to my fellow-citizens; who, with full knowledge of them, conferred upon me the two highest offices of the Government. On the last of these occasions, I felt it due to the people to apprise them, distinctly, that in the event of my election, I would not be able to co-operate in the re-establishment of a national bank. To these sentiments, I have now only to add the expression of an increased conviction, that the re-establishment of such a bank, in any form, whilst it would not accomplish the beneficial purpose promised by its advocates, would impair the rightful supremacy of the popular will; injure the character and diminish the influence of our political system; and bring once more into existence a concentrated moneyed power, hostile to the spirit, and threatening the permanency, of our republican institutions. Local banks have been employed for the deposit and distribution of the revenue, at all times partially, and, on three different occasions, exclusively: first, anterior to the establishment of the first Bank of the United States; secondly, in the interval between the termination of that institution and the charter of its successor; and, thirdly, during the limited

period which has now so abruptly closed. The connection thus repeatedly attempted, proved unsatisfactory on each successive occasion, notwithstanding the various measures which were adopted to facilitate or insure its success. On the last occasion, in the year 1833, the employment of the State banks was guarded especially in every way which experience and caution could suggest. Personal security was required for the safe-keeping and prompt payment of the moneys to be received, and full returns of their condition were, from time to time, to be made by the depositories. In the first stages the measure was eminently successful, notwithstanding the violent opposition of the Bank of the United States, and the unceasing efforts made to overthrow it. The selected banks performed with fidelity, and without any embarrassment to themselves or to the community, their engagements to the Government; and the system promised to be permanently useful. But when it became necessary, under the act of June, 1836, to withdraw from them the public money, for the purpose of placing it in additional institutions, or of transferring it to the States, they found it, in many cases, inconvenient to comply with the demands of the Treasury, and numerous and pressing applications were made for indulgence or relief. As the instalments under the deposit law became payable, their own embarrassments, and the necessity under which they lay of curtailing their discounts and calling in their debts, increased the general distress, and contributed, with other causes, to hasten the revulsion in which, at length, they, in common with the other banks, were fatally involved.

Under these circumstances, it becomes our solemn duty to inquire whether there are not, in any connection between the Government and banks of issue, evils of great magnitude, inherent in their very nature, and against which no precautions can effectually guard.

Unforeseen in the organization of the Government, and forced on the Treasury by early necessities, the practice of employing banks was, in truth, from the beginning, more a measure of emergency than of sound policy. When we started into existence as a nation, in addition to the burdens of the new Government, we assumed all the large but honorable load of debt which was the price of our liberty; but we hesitated to weigh down the infant industry of the country by resorting to adequate taxation for the necessary revenue. The facilities of banks in return for the privileges they acquired, were promptly offered, and perhaps too readily received, by an embarrassed Treasury. During the long continuance of a national debt, and the intervening difficulties of a foreign war, the connection was continued from motives of convenience; but these causes have long since passed away. We have no emergencies that make banks necessary to aid the wants of the Treasury; we have no load of national debt to provide for, and we have on actual deposit a large surplus. No public interest, therefore, now requires the renewal of a connection that circumstances have dissolved. The complete organization of our Government, the abundance of our resources, the general harmony which prevails between the different States, and with foreign powers—all enable us now to select the system most consistent with the constitution, and most conducive to the public welfare. Should we, then, connect the Treasury for a fourth time with the local banks, it can only be under a conviction that

past failures have arisen from accidental, not inherent, defects.

A danger, difficult if not impossible to be avoided in such an arrangement, is made strikingly evident in the very event by which it has now been defeated. A sudden act of the banks intrusted with the funds of the people, deprives the Treasury, without fault or agency of the Government, of the ability to pay its creditors in the currency they have by law a right to demand. This circumstance no fluctuation of commerce could have produced, if the public revenue had been collected in the legal currency, and kept in that form by the officers of the Treasury. The citizen whose money was in bank receives it back, since the suspension, at a sacrifice in its amount; whilst he who kept it in the legal currency of the country, and in his own possession, pursues, without loss, the current of his business. The Government, placed in the situation of the former, is involved in embarrassments it could not have suffered had it pursued the course of the latter. These embarrassments are, moreover, augmented by those salutary and just laws which forbid it to use a depreciated currency, and, by so doing, take from the Government the ability which individuals have of accommodating their transactions to such a catastrophe.

A system which can, in a time of profound peace, when there is a large revenue laid by, thus suddenly prevent the application and the use of the money of the people, in the manner and for the objects they have directed, cannot be wise; but who can think, without painful reflection, that, under it, the same unforeseen events might have befallen us in the midst of a war, and taken from us, at the moment when most wanted, the use of those very means which were treasured up to promote the national welfare and guard our national rights? To such embarrassments and to such dangers will this Government be always exposed, whilst it takes the moneys raised for, and necessary to, the public service, out of the hands of its own officers, and converts them into a mere right of action against corporations intrusted with the possession of them. Nor can such results be effectually guarded against in such a system, without investing the Executive with a control over the banks themselves, whether State or national, that might with reason be objected to. Ours is, probably, the only Government in the world that is liable, in the management of its fiscal concerns, to occurrences like these. But this imminent risk is not the only danger attendant on the surrender of the public money to the custody and control of local corporations. Though the object is aid to the Treasury, its effect may be to introduce into the operations of the Government influences the most subtle, founded on interests the most selfish.

The use by the banks, for their own benefit, of the money deposited with them, has received the sanction of the Government from the commencement of this connection. The money received from the people, instead of being kept till it is needed for their use, is, in consequence of this authority, a fund, on which discounts are made for the profit of those who happen to be owners of stock in the banks selected as depositories. The supposed and often exaggerated advantages of such a boon will always cause it to be sought for with avidity. I will not stop to consider on whom the patronage incident to it is to be conferred; whether the selection and control be trusted to Congress or to the Executive, either will be sub-

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jected to appeals made in every form which the sagacity of interest can suggest. The banks, under such a system, are stimulated to make the most of their fortunate acquisition; the deposits are treated as an increase of capital; loans and circulation are rashly augmented, and, when the public exigencies require a return, it is attended with embarrassments not provided for, nor foreseen. Thus banks that thought themselves most fortunate when the public funds were received, find themselves most embarrassed when the season of payment suddenly arrives.

Unfortunately, too, the evils of the system are not limited to the banks. It stimulates a general rashness of enterprise, and aggravates the fluctuations of commerce and the currency. This result was strikingly exhibited during the late operations of the deposit system, and especially in the purchases of public lands. The order which ultimately directed the payment of gold and silver in such purchases, greatly checked, but would not altogether prevent, the evil. Specie was indeed more difficult to be procured than the notes which the banks could themselves create at pleasure; but still, being obtained from them as a loan, and returned as a deposit, which they were again at liberty to use, it only passed round the circle with diminished speed. This operation could not have been performed, had the funds of the Government gone into the Treasury, to be regularly disbursed, and not into banks, to be loaned out for their own profit, while they were permitted to substitute for it a credit in account.

In expressing these sentiments, I desire not to undervalue the benefits of a salutary credit to any branch of enterprise. The credit bestowed on probity and industry is the just reward of merit, and an honorable incentive to further acquisition. None oppose it who love their country and understand its welfare. But when it is unduly encouraged—when it is made to inflame the public mind with the temptations of sudden and unsubstantial wealth—when it turns industry into paths that lead sooner or later to disappointment and distress—it becomes liable to censure, and needs correction. Far from helping probity and industry, the ruin to which it leads falls most severely on the great laboring classes, who are thrown suddenly out of employment, and, by the failure of magnificent schemes never intended to enrich them, are deprived in a moment of their only resource. Abuses of credit and excesses in speculation will happen in despite of the most salutary laws; no Government, perhaps, can altogether prevent them; but surely every Government can refrain from contributing the stimulus that calls them into life.

Since, therefore, experience has shown, that to lend the public money to the local banks is hazardous to the operations of the Government, at least of doubtful benefit to the institutions themselves, and productive of disastrous derangement in the business and currency of the country, is it the part of wisdom again to renew the connection?

It is true that such an agency is in many respects convenient to the Treasury, but it is not indispensable. A limitation of the expenses of the Government to its actual wants, and of the revenue to those expenses, with convenient means for its prompt application to the purposes for which it was raised, are the objects which we should seek to accomplish. The collection, safe-keeping, transfer, and disbursement of the public money, can, it is believed, be well managed by officers of the Government. Its

collection, and, to a great extent, its disbursement also, have indeed been hitherto conducted solely by them; neither national nor State banks, when employed, being required to do more than keep it safely while in their custody, and transfer and pay it in such portions and at such times as the Treasury shall direct.

Surely banks are not more able than the Government to secure the money in their possession against accident, violence, or fraud. The assertion that they are so, must assume that a vault in a bank is stronger than a vault in the Treasury; and that directors, cashiers, and clerks, not selected by the Government, nor under its control, are more worthy of confidence than officers selected from the people and responsible to the Government; officers bound by official oaths and bonds for a faithful performance of their duties, and constantly subject to the supervision of Congress.

The difficulties of transfer, and the aid heretofore rendered by banks, have been less than is usually supposed. The actual accounts show that by far the larger portion of payments is made within short or convenient distances from the places of collection; and the whole number of warrants issued at the Treasury in the year 1834—a year the results of which will, it is believed, afford a safe test for the future—fell short of five thousand, or an average of less than one daily for each State; in the city of New York they did not average more than two a day, and at the city of Washington, only four.

The difficulties heretofore existing are, moreover, daily lessened by an increase in the cheapness and facility of communication; and it may be asserted with confidence, that the necessary transfers, as well as the safe-keeping and disbursements of the public moneys, can be with safety and convenience accomplished through the agencies of Treasury officers. The opinion has been, in some degree, confirmed by actual experience since the discontinuance of the banks as fiscal agents, in May last; a period which, from the embarrassments in commercial intercourse, presented obstacles as great as any which may be hereafter apprehended.

The manner of keeping the public money since that period is fully stated in the report of the Secretary of the Treasury. That officer also suggests the propriety of assigning, by law, certain additional duties to existing establishments and officers, which, with the modifications and safeguards referred to by him, will, he thinks, enable the Department to continue to perform this branch of the public service, without any material addition either to their number or to the present expense. The extent of the business to be transacted has already been stated; and in respect to the amount of money with which the officers employed would be intrusted at any one time, it appears that, assuming a balance of five millions to be at all times kept in the Treasury, and the whole of it left in the hands of the collectors and receivers, the proportion of each would not exceed an average of thirty thousand dollars; but that, deducting one million for the use of the mint, and assuming the remaining four millions to be in the hands of one-half of the present number of officers—a supposition deemed more likely to correspond with the fact—the sum in the hands of each would still be less than the amount of most of the bonds now taken from the receivers of public money. Every apprehension, however, on the subject, either in respect to the safety of the money, or the faithful discharge of

these fiscal transactions, may, it appears to me, be effectually removed by adding to the present means of the Treasury the establishment by law, at a few important points, of offices for the deposit and disbursement of such portions of the public revenue as cannot, with obvious safety and convenience, be left in the possession of the collecting officers until paid over by them to the public creditors. Neither the amounts retained in their hands nor those deposited in the offices, would, in an ordinary condition of the revenue, be larger in most cases than those often under the control of disbursing officers of the army and navy, and might be made entirely safe, by requiring such securities, and exercising such controlling supervision, as Congress may by law prescribe. The principal officers whose appointments would become necessary under this plan, taking the largest number suggested by the Secretary of the Treasury, would not exceed ten; nor the additional expenses, at the same estimate, sixty thousand dollars a year.

There can be no doubt of the obligation of those who are intrusted with the affairs of Government, to conduct them with as little cost to the nation as is consistent with the public interest; and it is for Congress, and ultimately for the people, to decide whether the benefits to be derived from keeping our fiscal concerns apart and severing the connection which has hitherto existed between the Government and banks, offer sufficient advantages to justify the necessary expenses. If the object to be accomplished is deemed important to the future welfare of the country, I cannot allow myself to believe that the addition to the public expenditure of comparatively so small an amount as will be necessary to effect it, will be objected to by the people.

It will be seen by the report of the Postmaster General, herewith communicated, that the fiscal affairs of that Department have been successfully conducted since May last upon the principle of dealing only in the legal currency of the United States, and that it needs no legislation to maintain its credit, and facilitate the management of its concerns; the existing laws being, in the opinion of that officer, ample for those objects.

Difficulties will doubtless be encountered for a season, and increased services required from the public functionaries; such are usually incident to the commencement of every system, but they will be greatly lessened in the progress of its operations.

The power and influence supposed to be connected with the custody and disbursement of the public money, are topics on which the public mind is naturally, and with great propriety, peculiarly sensitive. Much has been said on them, in reference to the proposed separation of the Government from the banking institutions; and surely no one can object to any appeals or animadversions on the subject, which are consistent with facts, and evince a proper respect for the intelligence of the people. If a Chief Magistrate may be allowed to speak for himself on such a point, I can truly say, that to me nothing would be more acceptable than the withdrawal from the Executive, to the greatest practicable extent, of all concern in the custody and disbursement of the public revenue; not that I would shrink from any responsibility cast upon me by the duties of my office, but because it is my firm belief that its capacity for usefulness is in no degree promoted by the possession of any patronage not actually necessary to the performance of those duties. But under our present form of Government, the intervention of the execu-

tive officers in the custody and disbursement of the public money seems to be unavoidable; and before it can be admitted that the influence and power of the Executive would be increased by dispensing with the agency of banks, the nature of that intervention in such an agency must be carefully regarded, and a comparison must be instituted between its extent in the two cases.

The revenue can only be collected by officers appointed by the President, with the advice and consent of the Senate. The public moneys, in the first instance, must, therefore, in all cases, pass through hands selected by the Executive. Other officers appointed in the same way, or, as in some cases, by the President alone, must also be intrusted with them when drawn for the purpose of disbursement. It is thus seen that even when banks are employed, the public funds must twice pass through the hands of Executive officers. Besides this, the head of the Treasury Department, who also holds office at the pleasure of the President, and some other officers of the same department, must necessarily be invested with more or less power in the selection, continuance, and supervision of the banks that may be employed. The question is then narrowed to the single point, whether, in the intermediate stage between the collection and disbursement of the public money, the agency of banks is necessary to avoid a dangerous extension of the patronage and influence of the Executive? But is it clear that the connection of the Executive with powerful moneyed institutions, capable of ministering to the interests of men in points where they are most accessible to corruption, is less liable to abuse, than his constitutional agency in the appointment and control of the few public officers required by the proposed plan? Will the public money, when in their hands, be necessarily exposed to any improper interference on the part of the Executive? May it not be hoped that a prudent fear of public jealousy and disapprobation, in a matter so peculiarly exposed to them, will deter him from any such interference, even if higher motives be found inoperative? May not Congress so regulate by law the duty of those officers, and subject it to such supervision and publicity, as to prevent the possibility of any serious abuse on the part of the Executive? and is there equal room for such supervision and publicity in a connection with banks, acting under the shield of corporate immunities, and conducted by persons irresponsible to the Government and the people? It is believed that a considerate and candid investigation of these questions will result in the conviction that the proposed plan is far less liable to objection, on the score of Executive patronage and control, than any bank agency that has been, or can be, devised.

With these views, I leave to Congress the measures necessary to regulate, in the present emergency, the safe-keeping and transfer of the public moneys. In the performance of constitutional duty, I have stated to them, without reserve, the result of my own reflections. The subject is of great importance, and one on which we can scarcely expect to be as united in sentiment as we are in interest. It deserves a full and free discussion, and cannot fail to be benefited by a dispassionate comparison of opinions. Well aware myself of the duty of reciprocal concession among the co-ordinate branches of the Government, I can promise a reasonable spirit of co-operation, so far as it can be indulged in without the surrender of constitutional objections, which I believe to be well

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founded. Any system that may be adopted should be subjected to the fullest legal provision, so as to leave nothing to the Executive but what is necessary to the discharge of the duties imposed on him; and whatever plan may be ultimately established, my own part shall be so discharged as to give to it a fair trial, and the best prospect of success.

The character of the funds to be received and disbursed in the transactions of the Government, likewise demands your most careful consideration.

There can be no doubt that those who framed and adopted the constitution, having in immediate view the depreciated paper of the confederacy—of which five hundred dollars in paper were, at times, only equal to one dollar in coin—intended to prevent the recurrence of similar evils, so far at least as related to the transactions of the new Government. They gave to Congress express powers to coin money, and to regulate the value thereof, and of foreign coin; they refused to give it power to establish corporations—the agents then, as now, chiefly employed to create a paper currency; they prohibited the States from making any thing but gold and silver a legal tender in payment of debts; and the first Congress directed, by positive law, that the revenue should be received in nothing but gold and silver.

Public exigency at the outset of the Government, without direct legislative authority, led to the use of banks as fiscal aids to the Treasury. In admitted deviation from the law, at the same period, and under the same exigency, the Secretary of the Treasury received their notes in payment of duties. The sole ground on which the practice, thus commenced, was then, or has since been justified, is the certain, immediate, and convenient exchange of such notes for specie. The Government did indeed receive the inconvertible notes of State banks during the difficulties of war; and the community submitted without a murmur to the unequal taxation and multiplied evils of which such a course was productive. With the war, this indulgence ceased; and the banks were obliged again to redeem their notes in gold and silver. The Treasury, in accordance with previous practice, continued to dispense with the currency required by the act of 1789, and took the notes of banks, in full confidence of their being paid in specie on demand; and Congress, to guard against the slightest violation of this principle, have declared, by law, that if notes are paid in the transactions of the Government, it must be under such circumstances as to enable the holder to convert them into specie without depreciation or delay.

Of my own duties under the existing laws, when the banks suspended specie payments, I could not doubt. Directions were immediately given to prevent the reception into the Treasury of any thing but gold and silver or its equivalent; and every practicable arrangement was made to preserve the public faith by similar or equivalent payments to the public creditors. The revenue from lands had been for some time substantially so collected, under the order issued by the directions of my predecessor. The effects of that order had been so salutary, and its forecast in regard to the increasing insecurity of bank paper had become so apparent, that, even before the catastrophe, I had resolved not to interfere with its operation. Congress is now to decide whether the revenue shall continue to be so collected or not.

The receipts into the Treasury of bank notes not redeemed in specie on demand, will not, I presume,

be sanctioned. It would destroy, without the excuse of war or public distress, that equality of imports, and identity of commercial regulation, which lie at the foundation of our confederacy, and would offer to each State a direct temptation to increase its foreign trade by depreciating the currency received for duties in its ports. Such a proceeding would also, in a great degree, frustrate the policy, so highly cherished, of infusing into our circulation a larger proportion of the precious metals; a policy the wisdom of which none can doubt, though there may be different opinions as to the extent to which it should be carried. Its results have been already too auspicious, and its success is too closely interwoven with the future prosperity of the country, to permit us for a moment to contemplate its abandonment. We have seen, under its influence, our specie augmented beyond eighty millions; our coinage increased so as to make that of gold amount, between August, 1834, and December, 1836, to ten millions of dollars; exceeding the whole coinage at the mint during the thirty-one previous years. The prospect of further improvement continued without abatement until the moment of the suspension of specie payments. This policy has now, indeed, been suddenly checked, but is still far from being overthrown. Amidst all conflicting theories, one position is undeniable: the precious metals will invariably disappear when there ceases to be a necessity for their use as a circulating medium. It was in strict accordance with this truth, that whilst, in the month of May last, they were everywhere seen, and were current for all ordinary purposes, they disappeared from circulation the moment the payment of specie was refused by the banks, and the community tacitly agreed to dispense with its employment. Their place was supplied by a currency exclusively of paper, and, in many cases, of the worst description. Already are the bank notes now in circulation greatly depreciated, and they fluctuate in value between one place and another; thus diminishing and making uncertain the worth of property and the price of labor, and failing to subserve, except at a heavy loss, the purposes of business. With each succeeding day the metallic currency decreases; by some it is hoarded in the natural fear that, once parted with, it cannot be replaced; while by others it is diverted from its more legitimate uses, for the sake of gain. Should Congress sanction this condition of things, by making irredeemable paper money receivable in payment of public dues, a temporary check to a wise and salutary policy will, in all probability, be converted into its absolute destruction.

It is true that bank notes actually convertible into specie may be received in payment of the revenue, without being liable to all these objections, and that such a course may, to some extent, promote individual convenience; an object always to be considered where it does not conflict with the principles of our Government or the general welfare of the country. If such notes only were received, and always under circumstances allowing their early presentation for payment, and if, at short and fixed periods, they were converted into specie, to be kept by the officers of the Treasury, some of the most serious obstacles to their reception would perhaps be removed. To retain the notes in the Treasury would be to renew, under another form, the loans of public money to the banks, and the evils consequent thereon.

It is, however, a mistaken impression, that any large amount of specie is required for public pay-

ments. Of the seventy or eighty millions now estimated to be in the country, ten millions would be abundantly sufficient for that purpose, provided an accumulation of a large amount of revenue, beyond the necessary wants of the Government, be hereafter prevented. If to these considerations be added the facilities which will arise from enabling the Treasury to satisfy the public creditors, by its drafts or notes received in payment of the public dues, it may be safely assumed that no motive of convenience to the citizen requires the reception of bank paper.

To say that the refusal of paper money by the Government introduces an unjust discrimination between the currency received by it, and that used by individuals in their ordinary affairs, is, in my judgment, to view it in a very erroneous light. The constitution prohibits the States from making any thing but gold and silver a tender in the payment of debts, and thus secures to every citizen a right to demand payment in the legal currency. To provide by law that the Government will only receive its dues in gold and silver, is not to confer on it any peculiar privilege, but merely to place it on an equality with the citizen, by reserving to it a right secured to him by the constitution. It is doubtless for this reason that the principle has been sanctioned by successive laws, from the time of the first Congress under the constitution down to the last. Such precedents, never objected to, and proceeding from such sources, afford a decisive answer to the imputation of inequality or injustice.

But, in fact, the measure is one of restriction, not of favor. To forbid the public agent to receive in payment any other than a certain kind of money, is to refuse him a discretion possessed by every citizen. It may be left to those who have the management of their own transactions, to make their own terms; but no such discretion should be given to him who acts merely as an agent of the people, who is to collect what the law requires, and to pay the appropriations it makes. When bank notes are redeemed on demand, there is then no discrimination in reality, for the individual who receives them may, at his option, substitute the specie for them; he takes them from convenience or choice. When they are not so redeemed, it will scarcely be contended that their receipt and payment, by a public officer, should be permitted, though none deny that right to an individual; if it were, the effect would be most injurious to the public, since their officer could make none of those arrangements to meet or guard against the depreciation, which an individual is at liberty to do. Nor can inconvenience to the community be alleged as an objection to such a regulation. Its object and motive are their convenience and welfare.

If, at a moment of simultaneous and unexpected suspension, by the banks, it adds something to the many embarrassments of that proceeding, yet these are far overbalanced by its direct tendency to produce a wider circulation of gold and silver, to increase the safety of bank paper, to improve the general currency, and thus to prevent altogether such occurrences, and the other and far greater evils that attend them.

It may, indeed, be questioned, whether it is not for the interest of the banks themselves that the Government should not receive their paper. They would be conducted with more caution, and on sounder principles. By using specie only in its

transactions, the Government would create a demand for it, which would, to a great extent, prevent its exportation, and, by keeping it in circulation, maintain a broader and safer basis for the paper currency. That the banks would thus be rendered more sound, and the community more safe, cannot admit of a doubt.

The foregoing views, it seems to me, do but fairly carry out the provisions of the federal constitution in relation to the currency, as far as relates to the public revenue. At the time that instrument was framed, there were but three or four banks in the United States; and had the extension of the banking system, and the evils growing out of it, been foreseen, they would probably have been specially guarded against. The same policy which led to the prohibition of bills of credit by the States, would, doubtless, in that event, have also interdicted their issue as a currency in any other form. The constitution, however, contains no such prohibition; and, since the States have exercised for nearly half a century the power to regulate the business of banking, it is not to be expected that it will be abandoned. The whole matter is now under discussion before the proper tribunal—the people of the States. Never before has the public mind been so thoroughly awakened to a proper sense of its importance; never has the subject, in all its bearings, been submitted to so searching an inquiry. It would be distrusting the intelligence and virtue of the people to doubt the speedy and efficient adoption of such measures of reform as the public good demands. All that can rightfully be done by the federal Government to promote the accomplishment of that important object, will, without doubt, be performed.

In the mean time, it is our duty to provide all the remedies against a depreciated paper currency which the constitution enables us to afford. The Treasury Department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations, and other bankers. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, and an effectual remedy given to the citizen in a way at once equal in all parts of the Union, and fully authorized by the constitution.

The indulgence granted by executive authority in the payment of bonds for duties has been already mentioned. Seeing that the immediate enforcement of these obligations would subject a large and highly respectable portion of our citizens to great sacrifices, and believing that a temporary postponement could be made without detriment to other interests, and with increased certainty of ultimate payment, I did not hesitate to comply with the request that was made of me. The terms allowed are, to the full extent, as liberal as any that are to be found in the practice of the Executive Department. It remains for Congress to decide whether a further postponement may not with propriety be allowed; and, if so, their legislation upon the subject is respectfully invited.

The report of the Secretary of the Treasury will exhibit the condition of these debts; the extent and effect of the present indulgence; the probable result of its further extension on the state of the Treasury; and every other fact necessary to a full consideration of the subject. Similar information is communicated in regard to such depositories of the public moneys

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as are indebted to the Government, in order that Congress may also adopt the proper measures in regard to them.

The receipts and expenditures for the first half of the year, and an estimate of those for the residue, will be laid before you by the Secretary of the Treasury. In his report of December last, it was estimated that the current receipts would fall short of the expenditures by about three millions of dollars. It will be seen that the difference will be much greater. This is to be attributed not only to the occurrence of greater pecuniary embarrassments in the business of the country than those which were then predicted, and, consequently, a greater diminution in the revenue, but also to the fact that the appropriations exceeded, by nearly six millions, the amount which was asked for in the estimates then submitted. The sum necessary for the service of the year, beyond the probable receipts, and the amount which it was intended should be reserved in the Treasury at the commencement of the year, will be about six millions. If the whole of the reserved balance be not at once applied to the current expenditures, but four millions be still kept in the Treasury, as seems most expedient, for the uses of the mint, and to meet contingencies, the sum needed will be ten millions.

In making this estimate, the receipts are calculated on the supposition of some further extension of the indulgence granted in the payment of bonds for duties, which will affect the amount of the revenue for the present year to the extent of two and a half millions.

It is not proposed to procure the required amount by loans or increased taxation. There are now in the Treasury nine millions three hundred and sixty-seven thousand two hundred and fourteen dollars, directed by the act of the 23d of June, 1836, to be deposited with the States in October next. This sum, if so deposited, will be subject, under the law, to be recalled, if needed, to defray existing appropriations; and as it is now evident that the whole, or the principal part of it, will be wanted for that purpose, it appears most proper that the deposit should be withheld. Until the amount can be collected from the banks, Treasury notes may be temporarily issued, to be gradually redeemed as it is received.

I am aware that this course may be productive of inconvenience to many of the States. Relying upon the acts of Congress which held out to them the strong probability, if not the certainty, of receiving this instalment, they have in some instances adopted measures with which its retention may seriously interfere. That such a condition of things should have occurred, is much to be regretted. It is not the least among the unfortunate results of the disasters of the times, and it is for Congress to devise a fit remedy, if there be one. The money being indispensable to the wants of the Treasury, it is difficult to conceive upon what principle of justice or expediency its application to that object can be avoided. To recall any portions of the sums already deposited with the States, would be more inconvenient and less efficient. To burden the country with increased taxation, when there is in fact a large surplus revenue, would be unjust and unwise; to raise moneys by loans under such circumstances, and thus to commence a new national debt, would scarcely be sanctioned by the American people.

The plan proposed will be adequate to all our

fiscal operations, during the remainder of the year. Should it be adopted, the Treasury, aided by the ample resources of the country, will be able to discharge, punctually, every pecuniary obligation. For the future, all that is needed will be that caution and forbearance in appropriations which the diminution of the revenue requires, and which the complete accomplishment or great forwardness of many expensive national undertakings renders equally consistent with prudence and patriotic liberality.

The preceding suggestions and recommendations are submitted, in the belief that their adoption by Congress will enable the Executive Department to conduct our fiscal concerns with success, so far as their management has been committed to it. Whilst the objects, and the means proposed to attain them, are within its constitutional powers and appropriate duties, they will at the same time, it is hoped, by their necessary operation, afford essential aid in the transaction of individual concerns, and thus yield relief to the people at large in a form adapted to the nature of our Government. Those who look to the action of this Government for specific aid to the citizens to relieve embarrassments arising from losses by revulsions in commerce and credit, lose sight of the ends for which it was created, and the powers with which it is clothed. It was established to give security to us all, in our lawful and honorable pursuits, under the lasting safeguard of republican institutions. It was not intended to confer special favors on individuals, or on any classes of them; to create systems of agriculture, manufactures, or trade; or to engage in them, either separately or in connection with individual citizens or organized associations. If its operations were to be directed for the benefit of any one class, equivalent favors must, in justice, be extended to the rest; and the attempt to bestow such favors with an equal hand, or even to select those who should most deserve them, would never be successful. All communities are apt to look to Government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassments and distress. But this ought not to be. The framers of our excellent constitution, and the people who approved it with calm and sagacious deliberation, acted at the time on a sounder principle. They wisely judged that the less Government interferes with private pursuits, the better for general prosperity. It is not its legitimate object to make men rich, or to repair, by direct grants of money or legislation in favor of particular pursuits, losses not incurred in the public service. This would be substantially to use the property of some for the benefit of others. But its real duty—that duty the performance of which makes a good Government the most precious of human blessings—is to enact and enforce a system of general laws commensurate with, but not exceeding, the objects of its establishment, and to leave every citizen and every interest to reap, under its benign protection, the rewards of virtue, industry, and prudence.

I cannot doubt that on this, as on all similar occasions, the Federal Government will find its agency most conducive to the security and happiness of the people, when limited to the exercise of its conceded powers. In never assuming, even for a well-meant object, such powers as were not designed to be conferred upon it, we shall in reality do most for the general welfare. To avoid every unnecessary interference with the pursuits of the citizen, will

result in more benefit than to adopt measures which could only assist limited interests, and are eagerly, but perhaps naturally, sought for, under the pressure of temporary circumstances. If, therefore, I refrain from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the General Government, and that their adoption would not promote the real and permanent welfare of those they might be designed to aid.

The difficulties and distresses of the times, though unquestionably great, are limited in their extent, and cannot be regarded as affecting the permanent prosperity of the nation. Arising, in a great degree, from the transactions of foreign and domestic commerce, it is upon them that they have chiefly fallen. The great agricultural interest has, in many parts of the country, suffered comparatively little; and, as if Providence intended to display the munificence of its goodness at the moment of our greatest need, and in direct contrast to the evils occasioned by the waywardness of man, we have been blessed throughout our extended territory with a season of general health and of uncommon fruitfulness. The proceeds of our great staples will soon furnish the means of liquidating debts at home and abroad, and contribute equally to the revival of commercial activity, and the restoration of commercial credit. The banks, established avowedly for its support, deriving their profits from it, and resting under obligations to it which cannot be overlooked, will feel at once the necessity and justice of uniting their energies with those of the mercantile interest. The suspension of specie payments, at such a time and under such circumstances as we have lately witnessed, could not be other than a temporary measure; and we can scarcely err in believing that the period must soon arrive when all that are solvent will redeem their issues in gold and silver. Dealings abroad naturally depend on resources and prosperity at home. If the debt of our merchants has accumulated, or their credit is impaired, these are fluctuations always incident to extensive or extravagant mercantile transactions. But the ultimate security of such obligations does not admit of question. They are guaranteed by the resources of a country, the fruits of whose industry afford abundant means of ample liquidation, and by the evident interest of every merchant to sustain a credit, hitherto high, by promptly applying these means for its preservation.

I deeply regret that events have occurred which require me to ask your consideration of such serious topics. I could have wished that, in making my first communication to the assembled Representatives of my country, I had nothing to dwell upon but the history of her unalloyed prosperity. Since it is otherwise, we can only feel more deeply the responsibility of the respective trusts that have been confided to us, and, under the pressure of difficulties, unite in invoking the guidance and aid of the Supreme Ruler of nations, and in laboring with zealous resolution to overcome the difficulties by which we are environed.

It is, under such circumstances, a high gratification to know, by long experience, that we act for a

people to whom the truth, however unpromising, can always be spoken with safety; for the trial of whose patriotism no emergency is too severe, and who are sure never to desert a public functionary honestly laboring for the public good. It seems just that they should receive, without delay, any aid in their embarrassments which your deliberations can afford. Coming directly from the midst of them, and knowing the course of events in every section of our country, from you may best be learned as well the extent and nature of these embarrassments, as the most desirable measures of relief.

I am aware, however, that it is not proper to detain you, at present, longer than may be demanded by the special objects for which you are convened. To them, therefore, I have confined my communication; and, believing it will not be your own wish now to extend your deliberations beyond them, I reserve till the usual period of your annual meeting that general information on the state of the Union which the constitution requires me to give.

M. VAN BUREN.

WASHINGTON, *Sept. 4, 1837.*

Mr. WRIGHT moved the printing of 5,000 copies of the Message, and 1,500 of the accompanying documents.

Mr. CLAY, of Kentucky, said he rose to second the motion of the Senator from New York (Mr. WRIGHT) to print an extra number of copies of the Message. He should indeed have no objection to publishing double or triple the number proposed, if it were convenient to distribute them. He had accomplished the sole purpose for which he had risen; but while he was up, he could not forbear saying that, after attentively listening to the reading of this Message, he felt the deepest regret that the President, entertaining such views, and proposing such a plan for the relief of the country, as he had presented, had deemed it his duty to call an extra session of Congress at this inconvenient period of the year.

Mr. BUCHANAN said he did not rise to express any opinion or to enter into any discussion. "Sufficient for the day," said he, "is the evil thereof." But it was his wish to increase the number of copies to be printed from five thousand to ten. He thought the former number too small for his proportion of it to satisfy the demand of his constituents.

Mr. WRIGHT was ready to accept the proposition as a modification of his original motion, and did so.

The question on printing ten thousand was then put and carried.

MONDAY, September 11.

The CHAIR stated the order of the day to be the election of a Secretary of the Senate; whereupon, the Senate proceeded to ballot for Secretary, and at the first ballot ASBURY DICKINS, Esq., received 39 votes out of 40, and was declared duly elected.

On motion of Mr. GRUNDY, the Senate then proceeded to the election of Chaplain; when,

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after four ballotings, the number of candidates being twenty-one, the Rev. Mr. SLOER, of the Methodist Church, Georgetown, received a majority of the votes, and was declared duly elected.

Report from the Committee on Finance.

Mr. WRIGHT, chairman of the Committee on Finance, to which was referred that part of the Message of the President of the United States relating to the distribution of the surplus revenue, and other matters, reported a bill for the postponement of the fourth instalment of the deposit to the States till further provision therefor by law. Mr. W. said that, as the time the committee had was but short, he should now merely report the above bill, which he would move to be read a first time, and ordered to a second reading, with a view to take it up to-morrow; when he expected the committee would be able to report further.

Mr. CALHOUN said he hoped this bill would not be pressed so rapidly. It was due to the Senate to have the whole subject before them, and he therefore hoped that this bill would be suffered to rest until it should be seen what other measures the committee might propose.

Mr. WEBSTER said he rose to express a wish that, whether the measures proposed were to be considered separately, or whether they were to be considered all together, they might be considered and decided upon with all the promptness and despatch consistent with considerate legislation.

The bill, as reported by Mr. WRIGHT, was then ordered to a second reading.

TUESDAY, September 12.

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The bill to postpone the fourth instalment of deposit with the States being taken up—

The bill was read a second time, and,

On motion of Mr. HUBBARD, the further consideration of it was postponed till to-morrow.

WEDNESDAY, September 13.

Mr. WRIGHT, from the Committee on Finance, reported a bill authorizing the issue of Treasury notes. Read a first time, and ordered to a second reading.

[This bill authorizes the issue of Treasury notes to an amount not exceeding — millions of dollars, and of denominations not less than \$100, and provides that the notes be redeemed by the United States, at the Treasury, after one year from their date, to bear interest for the said term; rate of interest to be fixed by the Secretary, not to exceed six per cent. per annum; the faith of the United States to be solemnly pledged for the redemption of said notes. Also, that the notes be signed by the Treasurer of the United States, and countersigned by the Register of the Treasury; sepa-

rate accounts of the number signed to be kept by each officer as a mutual check. These officers are by this section also authorized to employ such additional clerks as these duties may render necessary; their salary to be fixed by the Secretary of the Treasury.

Section 4th authorizes the Secretary to issue these notes to all creditors of the United States who choose to receive them at par, and also to borrow money on the credit of such notes.

Section 6th enacts that such notes shall everywhere be received in payment of all duties, taxes, &c., and for public lands.

Section 9th makes it felony to counterfeit said notes, and fixes the penalty on conviction.]

Mr. WRIGHT, from the same committee, reported a bill authorizing the postponement of the payment of duty bonds. Ordered to a second reading.

[This bill provides that the extension of credit for duties now outstanding shall be six months from the time the original bond became due; and making the condition in each case to depend on the same conditions as to additional security, interest, &c., prescribed by the Treasury Department to the extension of revenue bonds since May; and not to include any bonds where the parties have not given additional security, or made part payment, or are (by the proper officers of the Government) considered insolvent or unsafe security for their bonds.]

Section 2d provides an additional credit of six months granted on all bonds which may be given during the period of one year from and after the 1st of October, 1837. Also, that, where the security in any bond postponed is satisfactory, the principal and sureties shall not be disabled from being the same for other bonds, though the first bond be not yet paid.]

Mr. WRIGHT also reported from the same committee a bill adjusting the remaining claims on the late deposit banks; which was also read, and ordered to a second reading.

[Section 1st provides that the Secretary of the Treasury be authorized to withdraw the public moneys remaining in any of the late deposit banks, in as convenient a manner to them as may be suitable to the interests of Government. No bank having met, or which shall meet, the requisitions of the Department, to pay any further interest than that required by the deposit act of 23d June, 1836.]

Section 2d provides that, in case of neglect or refusal on the part of the banks to comply with the requisitions of the Secretary of the Treasury, then such banks shall be sued at law, unless bond with security be given, providing for payment in three instalments: the first instalment after two months from the passage of this act; the second after five months, and the remainder after eight months from the same period; interest being paid at the rate of six per cent. per annum from the time of default, and damages to be paid accruing from protests or other causes.

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THURSDAY, September 14.

Financial Affairs.

Mr. WRIGHT, from the Committee on Finance, reported the following bills, which were severally read and ordered to a second reading:

1. A bill to authorize goods and merchandise to be deposited in the public stores.

[This bill authorizes the deposit of goods in the public stores, under the requisite precautions, allowing them to be transported to other districts, or to be exported, on certain conditions; to be sold, if requisite, at the end of three years, so far as to pay the duties, storage, and other necessary expenses.]

2. A bill imposing additional duties, as depositaries, in certain cases, on public officers, commonly called the Divorce Bill.

[This bill provides for the receiving and safe-keeping of the public revenue, by the various receiving officers, postmasters, &c., until regularly called for by the Department. The bill contains many details, especially of precaution, to secure the faithfulness of officers having the custody of the public money.]

3. A bill to revoke the charters of such banks in the District of Columbia as shall not resume specie payments in a specified time; and for the suppression of small notes in the District.

[This bill requires the payment of specie on all notes of and under ten dollars, in sixty days from the date of the bill; and on all notes of a larger denomination, in six months. It provides for the appointment of three public commissioners, in case of failure; not interrupting, however, the due course of law. It forbids the issuing of notes under five dollars; and requires that within thirty days all notes of individuals and private corporations, under five dollars, shall be neither issued nor passed, under the penalty of a fine of not more than fifty dollars for each offence—one-half to the prosecutor. The banks to forfeit their charters for non-compliance with the provisions of this bill.]

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The Senate proceeded to the consideration of the special order, the bill to postpone the payment of the fourth instalment of the deposits to the States.

Mr. NILES said: Sir, we have been called here at an extraordinary emergency, when the business of the country was deranged, and the public mind in an unsettled and feverish state; the expectations of the people are excited; the eyes of the whole country are upon us. At such a time, and under such circumstances, Congress cannot remain in session without a prodigious influence for good or for evil; and he greatly feared it would be the latter.

Mr. WEBSTER then rose, and said that the importance of the present crisis and the urgency of this occasion was such as to lead him earnestly to desire that some measures of adequate relief might come from the quarter which alone had

the power to effect any thing, by the majority it commanded. Much as I differ from them, (said Mr. W.,) I would be glad to accept any measure of substantial relief which they might bring forward. I think, sir, I see such a necessity for relief as never before, within my recollection, has existed in this country, and I regret to be obliged to say that the measures proposed by the President, in his Message to Congress, and reiterated by the Secretary of the Treasury, in his report to the same body, only regard one object, and are, in their tendency, only directed to one branch of partial relief. The evils, however, under which the community now suffers, (said Mr. W.,) though related, and of the same family, are yet capable of distinct consideration. In the first place, there are the wants of the Treasury, arising from the stoppage of payments and the falling off of the revenue. This is an exigency requiring the consideration of Congress; it is an evil threatening to suspend the functions of at least one department of the Government unless it be remedied. Another and a greater evil is, the prostration of credit—the interruption brought upon all business transactions, arising from the suspension of all the local banks throughout the country, with some few and trifling exceptions. Hence has proceeded a prostration of the local currency, and a serious obstruction and difficulty thrown in the way of buying and selling. A third want is, the want of an accredited paper medium, equal to specie, having equal credit over all parts of the country, capable of serving for the payment of debts and carrying on the internal business of the country throughout and between the different and distant sections of this great Union. These three evils, though they are co-existent and cognate in their being, cannot be met by the same measures of relief. If relief is given to the one, it does not follow that you will relieve the others; if you replenish the Treasury, and thus bring a remedy to that evil, this brings no relief to the disordered currency. And again: if the local currency is relieved, it does not supply the other want, namely, that of a universally accredited medium.

I shall now (continued Mr. W.) confine myself to a few remarks on the bill before us, and not detain the Senate longer than will be strictly necessary to give a plain statement of my opinion.

This measure is proposed in order to provide for the wants of the Government. I agree that this is a necessary object; but the question is, whether this bill is the proper mode of making such a provision. I do not think it is, though others may think differently. If this is indeed the best mode, I should wish to see it carried into execution, for relief is wanted both by the Treasury and by the country, but first and chiefly by the country.

I do not say that by the law providing for this deposit the States have any fixed right to it; I prefer to put the matter entirely on the footing of convenience and expediency; and

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when it is considered what expectations have been raised—that this money has even been already disposed of in advance by the several States for different purposes, such as internal improvements, education, and other great objects—it becomes a question of expediency whether it would not be better to supply the wants of the Treasury by other means.

Another consideration of great importance in my view is this: There are already many disturbing causes in operation, agitating the transactions of society in all the various ramifications of business and commerce. Now, I would ask, sir, is it advisable, is it wise, is it even politic, to introduce, at such a time as this, another great disturbing cause, producing a reversed action, altering the destiny of this money, overthrowing contracts now entered into, disappointing expectations raised, disturbing, unsettling, and deranging still more the already deranged business transactions of the whole country? I would ask, is it worth while to do this? I think not.

We are to consider that this money, according to the provisions of the existing law, is to go equally among all the States, and among all the people; and the wants of the Treasury must be supplied, if supplies be necessary, equally by all the people. It is not a question, therefore, whether some shall have money and others shall make good the deficiency. All partake in the distribution, and all will contribute to the supply. So that it is a mere question of convenience, and, in my opinion, it is decidedly most convenient, on all accounts, that this instalment should follow its present destination, and the necessities of the Treasury be provided for by other means.

Again, if you pass this bill, what is it? It is a mere *brutum fulmen*; of itself, it will not produce any good if you do pass it. All admit there is no money; therefore, the bill will give no relief to the Treasury. This bill, Mr. President, will not produce to the Secretary one dollar: he acknowledges himself that at all events it will not produce him many, for he says he wants other aid; and he has applied to Congress for an issue of some millions in Treasury notes. He gets the money, therefore, just as well without this bill as with it; the bill itself, then, is unnecessary, depriving the States of a sum which the Secretary cannot avail himself of, and which sum, notwithstanding this bill, he proposes to supply by an issue of Government notes. He calls this collateral aid to the measure of postponement. But this evidently reverses the order of things, for the Treasury notes are his main reliance; to them only he looks for immediate relief, and this instalment now to be withheld is (as a productive source of revenue) only subsequent and collateral to the issue of the notes.

But now, sir, what sort of notes does the Secretary propose to issue? He proposes, sir, to issue Treasury notes of small denominations, down even as low as twenty dollars, not bear-

ing interest, and redeemable at no fixed period; they are to be received in debts due to Government, but are not otherwise to be paid until at some indefinite time there shall be a certain surplus in the Treasury beyond what the Secretary may think its wants require. Now, sir, this is plain, authentic, statutable paper money; it is exactly a new emission of old continental. If the Genius of the old Confederation were now to rise up in the midst of us, he could not furnish us, from the abundant stores of his recollection, with a more perfect model of paper money. It carries no interest; it has no fixed time of payment; it is to circulate as currency, and it is to circulate on the credit of Government alone, with no fixed period of redemption! If this be not paper money, pray, sir, what is it? And, sir, who expected this? Who expected that in the fifth year of the *experiment for reforming the currency*, and bringing it to an absolute gold and silver circulation, the Treasury Department would be found recommending to us a regular emission of paper money? This, sir, is quite new in the history of this Government; it belongs to that of the Confederation which has passed away.

Mr. WRIGHT said it might become him to say a few words in relation to the bill before the Senate. His position in reference to this and other bills, perhaps, required him to do so. He would, however, confine himself strictly to the present subject, and to the most brief justification of his own course, and that of a majority of the Committee on Finance, who had concurred with him in reporting the bill.

Immediately upon the appointment of the committee, and the reference to it of the important subjects treated of in the Message of the President, and the report of the Secretary of the Treasury, the committee found that the Treasury of the United States was, very soon, to be in want of means to meet the current demands upon it, without regard to any further transfer to the States. They also found that this fourth instalment of the deposits with the States was to become payable on the 1st day of October, and amounted to about nine and one-third millions of dollars.

The state of the Treasury, as developed by the report of the Secretary of the Treasury, was, as he now recollected, (and he thought he could not be materially mistaken,) that, at the time when the statement appended to that report was made up, about the first day of the present month, (he believed the exact date was the 28th of August,) there was in the Treasury, subject to draft, available and unavailable, but eight million one hundred and some odd thousand dollars. The report was printed, and upon the table of every Senator, and would verify his correctness in this particular. This amount was exclusive of the sums already deposited with the States, being some twenty-eight millions.

To arrive at what would be the condition of the Treasury on the 1st of October, the ex-

penses of the present month, which, from drafts already made and anticipated, were estimated at about two and a half millions, must be deducted from the eight million one hundred and odd thousand; thus leaving in the Treasury, subject to draft on the 1st day of October, less than six millions, without the transfer of a dollar to the States towards the October instalment. This, too, included all the funds in the Treasury, subject to draft for payments, or transfers to the States, whether available or not, upon the drafts of the Treasurer; the funds on deposit with the States not being taken into the computation.

If, then, the October instalment was to be transferred to the States, all the means in the Treasury, of all descriptions, on the day when that instalment was, by the deposit law, made transferable, would not be equal to two-thirds of the amount; and money must be borrowed upon the credit of the United States, to supply the deficiency.

The honorable Senator seemed to suppose that the means to make this transfer to the States were in the Treasury; and that the only difficulty, separate from the other demands upon it, grew out of the present unavailable character of those means. The statements he had already made had shown the error of this hypothesis. He had already shown that the whole means in the Treasury, even when the Secretary of the Treasury made his report, at the commencement of our present session, of whatever character, whether available or not, were less, by more than a million of dollars, than the instalment required to be transferred to the States under the deposit law. He had further shown that those means, such as they were, were, before the 1st of October, when that transfer was required to be made, to be still further diminished by the whole expenses of the Government for the present month, ascertained and estimated to amount to two and a half millions of dollars. Hence it would follow, that the whole means in the Treasury on the 1st day of October next must be from three and a half to four millions less than the transfer required. It was in vain, therefore, Mr. W. said, to escape from the conclusion, that, if Congress should insist upon this transfer, it must authorize a loan of money upon the public credit, to enable the Treasury to make it: in other words, that it must authorize a loan of money upon the credit of the United States, in order that that money, when loaned, may be deposited with the States for safekeeping.

Another error of the honorable Senator (Mr. WEBSTER) which he felt bound to correct, was in his strictures upon the recommendations of the Secretary of the Treasury, as to the manner of issuing Treasury notes. The honorable Senator had criticized this part of the report of the Secretary of the Treasury with some severity, and had held him up to the Senate and the country as striking out a new

path for the supply of the Treasury; as recommending the issue of paper money, of a description of paper similar to that which we know by the denomination of "continental money;" and of doing this for the first time since the organization of the Government under the constitution. The fault complained of consisted in a recommendation, merely discretionary and alternative, to issue Treasury notes bearing no interest, and payable to the bearer, in case the public creditors should be found willing to receive such notes in payment of their demands against the Government, at par; otherwise, to give the notes such an interest as would bring them to par.

Mr. W. said, as the committee, in the bill they had reported, had not followed this recommendation of the Secretary, it would be seen that no question was depending before the Senate, either in the bill now under discussion, or in any other, which rendered this point material; but he was sure his object would be fully understood and appreciated in making this correction. It was simply to defend this public officer against a mistaken accusation. It was not necessary for him to defend, at this time, the soundness of the recommendation, but to protect the Secretary against the charge of being the author of a principle now supposed to be so new and so dangerous. To do this, it was only necessary for him to read the third section of the act of the 24th of February, 1815, authorizing an emission of Treasury notes, in which all these dangers would be found to be embraced, adopted, and made imperative, as a part of the laws of the land.

Mr. BUCHANAN said he had often admired the dexterity with which the Senator from Massachusetts could extricate himself from a difficulty; in which, however, he was seldom involved. On such occasions he always made a skilful retreat. Feeling the respect which he (Mr. B.) did for his legal knowledge, he had received, as a matter of faith, his declaration that Treasury notes not bearing interest had never been issued under the present constitution; and when he called up the ghost of the ancient Confederation to act as godfather of these Treasury notes, Mr. B. remained satisfied that he had made himself fully acquainted with the laws in relation to that subject. But scarcely had he taken his seat, when the act of 1815 laid the ghost which he had conjured up; and by that it appeared that Congress had done the very thing which he had declared had not been done since the days of the Confederation. Thus much was due to the Secretary of the Treasury. Mr. B., however, rejoiced that the Committee on Finance had proposed the issue of no notes not bearing interest.

In regard to this bill, a plain statement of facts would be the most conclusive argument which could be urged in its favor. He had voted for the deposit of June, 1836; and, upon a retrospect of all which had occurred since its passage, he had found no cause to repent of

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this vote. It was a choice of evils; and between the alternatives presented, he thought he had made the best choice. On the one side, after reserving five millions, nearly forty millions of dollars had accumulated in the deposit banks. This vast amount of money was used by them to increase the dividends of their stockholders, to expand extravagantly the paper circulation of the country, and to excite speculation to the greatest excess. On the other hand, strong objections existed against making the Federal Government an instrument for the purpose of collecting money, that it might be deposited with the States. The precedent might in many respects be dangerous. But the money was on hand. It had been collected under existing laws. Placed in this situation, he thought it was more just, more politic, more safe, to place it in deposit with the States, that it might be used for the benefit of the people, than to suffer it to remain with the banks for the benefit of their stockholders, and to the injury of the country.

But does the deposit law, from first to last, contain one sentence—nay, does it contain one word—which resembles a gift or a loan to the States? Is it not, in terms, a bare transfer of the deposits from the banks to the States? Under its provisions, the faith of all the States is pledged for the safekeeping and repayment of their respective proportions of this money, whenever they shall be required by the Secretary of the Treasury, for the purpose of defraying the wants of the Treasury. The mode and manner in which he shall call for it are expressly prescribed. Nay, more; the case has actually occurred. If the Secretary had pursued the line of strict duty under the law, he would, ere this, have called on the States for a portion of the three instalments which have already been paid. He has acted wisely in not making this demand until the pleasure of Congress could be known. The States are not now in a condition to return immediately any portion of what they have already received.

Under these circumstances, the question is, whether we are bound, upon any principle, to deposit with them the fourth instalment, when the Secretary of the Treasury, the very next day, might demand a return not only of it, but of the three other instalments, in the manner prescribed by the law.

The Senator from Massachusetts had not contended that we were bound by any contract to deposit this fourth instalment with the States.

He had said, however, that if an individual, by his conduct, had induced a reasonable expectation that he would loan money to another, or give money to another, it might become his duty to borrow it, and pay interest for it, for either of those purposes. Mr. B. denied that the conduct of Congress was such as to afford any pretext for such an expectation. On the face of the act there was nothing but *deposit* written. Neither a loan nor a gift appeared upon it. It was a mere deposit, without inter-

est, to be restored when demanded in the manner prescribed; and not a loan for a given period, much less an absolute gift. If the States, therefore, had entertained any such expectation, it was from other circumstances, and not from the solemn contract into which they had entered with the United States under this law.

Mr. WEBSTER, having obtained and examined the act of 1815, said: The honorable member from Pennsylvania has been kind enough to say that I do not often get into difficulties in debate, and that, when I do, I generally extricate myself better than I have done on the present occasion. He partakes in the supposed triumph of his friend from New York, (Mr. W.,) in having proved me incorrect when I said that this Government had never issued such paper money as the Secretary has now recommended. Now, sir, although I am pleased to see the happiness which the gentleman enjoys, yet I believe I must dash it a little. Most assuredly, sir, it authorizes no such paper as is now proposed. I was persuaded it could not, as I have a pretty good recollection of the proceedings of Congress on such subjects at that time.

The law of 1815 authorized the issue of two classes of Treasury notes: 1st. Such as bore no interest, but which, the very hour they were issued, might be funded in a 7 per cent. stock, to be redeemed like other stocks of the Government. 2d. Treasury notes bearing an interest of five and two-fifths per cent., capable of being funded in like manner, in a 6 per cent. stock. These stocks were to be issued on application by any commissioner of the revenue in any State. Now, what comparison is there between either of these classes of Treasury notes and those recommended by the Secretary, which bear no interest, and for which no fixed redemption is provided?

I affirm again, therefore, sir, all that I have said, namely, that the notes recommended by the Secretary are regular paper issues, like the old emissions of Congress and the States before the adoption of the present constitution; and that no precedent has been found for them, and I am sure none can be found, in the practice of this Government.

Mr. BUCHANAN said he did not think the Senator, with all his ingenuity, had got out of the difficulty. Under the section of the law of 1815, which he had just read, Treasury notes were to be issued without interest; they were to circulate as a currency without interest; they might continue to circulate for years without interest. It did not alter the case that the holder of them above a certain amount had the privilege of funding them, and converting them into a stock bearing interest. This interest did not commence from the date of their issue, but from the time they were funded. All the time they remained in circulation, they were Treasury notes without interest. They were what the Senator from Massachusetts had

supposed never was issued under the present constitution. Mr. B., however, agreed with the Senator that at this time no Treasury notes ought to be issued which did not bear interest.

Mr. CALHOUN said that he was decidedly of the impression that, under the circumstances of the case, this postponement ought to be made. The object of the deposit law was to draw the revenue out of the grasp of the Government, and to restore it to those to whom it ought to be restored. And now, when there was no surplus, it was not contrary to the purpose of that law to withhold it. But the responsibility of doing so would rest on gentlemen of the administration and those of the opposition who made last year the extravagant appropriations of thirty-two millions, exceeding the estimate of the Secretary of the Treasury. They were then told of the folly of raising the revenue, and of raising the disbursements. The result now was, that the Government was bankrupt. Were they never to look ahead, and see the difficulties that threatened them?

Another era had now arisen. They had got through with the surplus, and Mr. C. trusted they were through with the extravagant appropriations. If they did not economize and retrench, he saw a new age commencing—perhaps that of Treasury notes—when the compromise act would be annulled, and the high tariff revived. But Mr. C. would agree that the fourth deposit should be withheld, since that law had fulfilled its main purpose, and since a new series of extravagances was now to arise unless they kept a good lookout.

Mr. WALKER moved an adjournment; when, a division being called for, the Senate refused to adjourn.

Mr. BUCHANAN then rose to offer an amendment, if in order; the object of which was to take off from the Secretary the responsibility of calling upon the States, and to repose this responsibility where he (Mr. B.) thought it should be—namely, in Congress. For this purpose he proposed to insert “provided the three first instalments already paid do remain on deposit until further directed by Congress.”

Mr. NILES said he must ask for the yeas and nays on the amendment, and was sorry it had been offered. If it was to be fully considered, it would renew the debate on the deposit act, as it went to change the essential principles and terms of that act. A majority of those who voted for that act, about which there had been so much said and so much misrepresentation, had professed to regard it—and he could not doubt that at the time they did so regard it—as simply a deposit law; as merely changing the place of deposit from the banks to the States, so far as related to the surplus. The money was still to be in the Treasury, and liable to be drawn out, with certain limitations and restrictions, by the ordinary appropriation laws, without the direct action of Congress. The amendment, if adopted, will change the principles of the deposit act, and the condition

of the money deposited with the States under it. It will no longer be a deposit; it will not be in the Treasury, even in point of legal effect or form: the deposit will be changed to a loan, or, perhaps more properly, a grant to the States. The rights of the United States will be changed to a mere claim, like that against the late Bank of the United States; and a claim without any means to enforce it. We were charged, at the time, of making a distribution of the public revenue to the States, in the disguise and form of a deposit; and this amendment, it appeared to him, would be a very bold step towards confirming the truth of that charge. He deemed the amendment an important one, and highly objectionable; but he saw that the Senate were prepared to adopt it, and he would not pursue the discussion, but content himself with repeating his request for the yeas and noes on the question.

Mr. BUCHANAN said he had not imagined this amendment would meet with opposition. He wished to know if it was right and proper that the Secretary should be made responsible for not calling upon the States for this money, as the law required him to do? The condition of the States was such that the Secretary cannot make such call upon them. He (Mr. B.) was therefore desirous to relieve him from this embarrassment. The substituting Congress instead of the Secretary would not, Mr. B. thought, make any change in the nature of the fund.

Mr. CALHOUN said he fully concurred in the proposed amendment. It was due to the States in their sovereign capacity not to subject themselves to be called upon for the money by any other authority than Congress.

The question was then taken on the amendment offered by Mr. BUCHANAN; and the yeas and nays being called for, were as follows:

YEAS.—Messrs. Allen, Bayard, Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Fulton, Grundy, Kent, King of Alabama, King of Georgia, Knight, Linn, Lyon, Morris, Nicholas, Norvell, Preston, Robbins, Robinson, Sevier, Smith of Indiana, Southard, Strange, Swift, Tallmadge, Wall, Webster, White, Williams, Young—33.

NAYS.—Messrs. Benton, Clay of Alabama, Hubbard, Niles, Pierce, Rives, Roane, Ruggles, Smith of Connecticut, Tipton, Walker, Wright—12.

FRIDAY, September 15.

Fourth Instalment.

The bill to postpone indefinitely the payment of the fourth instalment of the deposit bill, was read a third time; and the question being upon its passage,

Mr. PRESTON, of South Carolina, said: My opinion decidedly is, that the *casus fœderis* has not arrived for Congress to encroach upon the fund set aside for deposit with the States; and I further am of opinion that, even if it had now arrived, yet this is not the course by which we shall best consult the interests of the country, in attempting to bring relief to the Treasury.

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Fourth Instalment.

[SENATE.]

Let us briefly consider the history of the deposit act. That act was passed contemporaneously with other acts of most prodigal expenditure. We had a surplus which we knew not how to dispose of. To expend—to get rid of our overflowing funds—was then the order of the day. We were in the full tide of an inauspicious prosperity, and the departments were stimulated and goaded on to find out how much they could spend, while the majority in Congress seemed to be employed in finding out how much they could give. The departments asked for twenty millions; and Congress, eager to get rid of the surplus, outstripped even their extravagant demands, and gave them thirty millions. Then it was, sir, that this deposit bill was originated. It went hand in hand with bills of the most extravagant and prodigal expenditure.

Now, sir, under these circumstances, when we give so prodigally to the departments, at a time of high prices, it is well worth our while to inquire whether the time has not arrived to lop off and curtail from our expenditure, rather than to withhold this instalment from the States. I am of opinion we might save the nine millions of this instalment by curtailing the extravagant expenditures of the departments, and so pay the instalment—not by distressing the States in withholding it, but by introducing a wholesome measure of retrenchment in the expenditure of Government.

This, sir, is the ground I take: namely, that it would be far better to curtail our expenditure than to stop the payment of this instalment.

Again, I would ask, does the proposition contained in this bill go to relieve in any manner the pressure upon the people? Not in the least, sir. Neither will the Government place itself in funds by the operation of this law. The banks have laid violent hands on the deposits; they will pay them no longer in the medium they were expected to pay them in. Of what use, then, will this bill be to Government? The money is locked up in the banks; and the wildest enthusiast in favor of this measure would not go so far as to say that by the mere fiat of this body a bill such as this is going to fill the country with gold and silver. We have not got the magician's wand, by one touch of which we can make the gold come forth from its hiding places. We may call, indeed, by our enactments, the spirits from the vasty deep; but will they come when we do call them? Will money be obtained for the Government when you pass this law? No, sir; we all know that this bill will bring no money into the Treasury.

It would be better, therefore, under such circumstances, to let the law go on, and let the States receive the whole of the deposit. The States, sir, are willing to take the instalment in the only medium in which the State institutions are able to pay it. They are not going, at this crisis, to clamor for a hard-money currency. They will be satisfied with receiving the State

currency—their own domestic currency. But the President says “no;” and by passing this bill, according to his recommendation, you will not let them receive a currency which they are willing to receive. The amount of the instalment now in the banks would be useful, in that currency, to them, for they would gladly receive it; but it will be of no use whatever to the Government, for the Government will not receive it. Then, sir, if I may use a homely similitude, by such an enactment as this you act the part of the dog in the manger—you will not take the money of the States yourselves, and you will not let them have it, though they wish to receive it. Is this a noble, or even a politic proceeding? Is this your reforming the currency? Is this aiding and relieving the embarrassments of the people, to stamp a bad name upon their currency, to refuse to receive it yourselves, to pass laws fixing a stigma upon it, and then to forbid others to receive it?

Again, sir: there is another view which I think ought to be taken of this subject; and, had it received its due consideration, such a measure as this could surely never have been proposed. In fifteen days from now, this instalment will be due to the States. They have already made their disposition of the money. It has been disposed of in various contracts, and been directed to various great and useful purposes; and now, suddenly, at this short notice, the expected sum—the sum which the law had pledged to them—is, by another law, to be withheld. But, by the terms of the deposit law, a specific time was fixed upon and accorded to the States, in which the States were to have notice of any demand to be made upon them for the sum deposited. By the law, therefore, they are entitled to a notice before this fourth instalment can be withdrawn from them—for they have already expended it; and this bill to withhold it is equivalent in its action to taking back the money from them, without the notice which the law provided for.

Mr. CRITTENDEN, of Kentucky, said he fully concurred in the views just expressed by the gentleman from South Carolina, (Mr. PRESTON.) In the State which he came from, he said, the general opinion was that retrenchment was wanting, and ought to be exercised in the several departments of the Government. The profusion to which they were becoming habituated it was time should be checked, and he (Mr. C.) agreed with the honorable Senator from South Carolina, (Mr. PRESTON,) that now was the time, if ever, to put in force such a necessary retrenchment. He (Mr. C.) could not well understand the reason why any other course should be resorted to; for it clearly appeared to him that, by proper retrenchment in the expenditures of Government, enough, and more than enough, might be curtailed from its superfluous disbursements to make up the amount which the payment of this instalment would require.

Mr. BROWN said: In addition to the argu-

ments which had already been urged, and which to his mind were conclusive, in favor of withholding the fourth instalment payable to the several States on the 1st of October, under the deposit act, another argument, entitled to still more weighty consideration, had decided his mind in favor of that course. If we refuse to pass the bill having that object in view, the obligation will unavoidably devolve on Congress to provide the means to meet the payment of the instalment which will otherwise become due to the States, the available means of the Treasury being inadequate for that purpose. Now he (Mr. B.) could not see in any part of the constitution the power to raise money, and, of necessity, the power to tax our constituents to pay the money thus raised, for the mere purpose of depositing it in the treasuries of the several States. The power to raise money was limited to the objects and duties with which the General Government was charged by the constitution; and in no part of that instrument was the power to be found, either by express grant or implication, to raise it for any such purpose. It could not be pretended that to raise money for such purpose was to carry into effect any power belonging to the General Government. To his mind, therefore, it was a palpable violation of the constitution to exercise such power, which they unquestionably would have to do, in providing the means to meet the remaining instalment, if its payment should not be postponed. He drew a distinction between the power of Congress to authorize the deposit of a surplus in the State treasuries which already existed, and the power to raise money for the sole purpose of thus depositing it. It was in that point of view that he deemed the deposit act of last year justifiable; that act had, in the course of its execution, exhausted the surplus, which was the true object Congress had in view in passing it; and, having fulfilled its great end, he was of opinion its further operation should now cease. He thought the gentleman from South Carolina (Mr. PRESBURY) would have much difficulty in reconciling the vote which he had announced his intention to give on this question, with the doctrines of a strict construction of the constitution, of which he had heretofore professed himself a zealous advocate. He called on that gentleman to show what constitutional authority Congress had to pass a law raising money, not in execution of any of its conceded powers, but for the avowed purpose of being deposited with the States.

Besides the constitutional objection to raising money for the purpose of depositing it with the States, the unavoidable consequence of providing for the payment of the remaining instalment to them would be to lay the foundation of a new national debt; than which nothing, in his opinion, would be more preposterous, when resorted to for the unauthorized purpose of dividing money among the States. He would in no event vote for any measure leading to the creation of a national debt, unless it

could be made to appear indispensable to aid the Government in the performance of its legitimate functions.

Mr. WALKER said: Disguise it as we may, the refusal to pass this bill is a determination on our part to borrow more than nine millions of dollars on the credit of the United States, to be deposited for safekeeping with the States of this Union. The constitution authorizes us to borrow money on the credit of the United States—but for what object? Clearly for no other than to carry into effect the powers delegated by the constitution. But that this Government could borrow millions, without limitation as to the amount, for the purpose of depositing it with, or distributing it among, the States, was to clothe this Government with the most alarming and despotic powers. If this Government can make such a loan for such a purpose, the taxing power is unlimited; for by taxes only can it raise the money to refund what it has borrowed. Mr. W. said he was one of a small minority of six in the Senate who had voted against this deposit bill. He had then predicted the disastrous consequences that he thought would follow from the passage of this bill; and his worst fears would be realized, if now, when there was a deficit in the Treasury, when many of the public creditors had to be paid in protested drafts on broken banks, a surplus was created by loans, for the purpose of distributing among the States of the Union.

Mr. W. said he well knew the voracious character of the surplus spirit; that it was ready to keep up the tariff, to keep up the price of the public lands, and to refuse all relief to the settlers of the West, for the purpose of creating a surplus for distribution; but he could scarcely have believed that now, when we must in any event replenish, by loans, an exhausted Treasury, new loans would be asked for to the amount of nine millions for distribution—loans to be refunded, if not from the lands of the West, from the tariff; by which Mississippi, now nearly the greatest exporting State of this Union, will receive but about one-fourth as much as she will be compelled to refund by the operation of the tariff—reducing the price of her great staple, to enrich the incorporated monopolists of other sections of the Union. Mr. W. said he must be blind indeed, who did not perceive that to raise, by loans, nine millions for deposit with the States, is, to the extent of nine millions, to render it necessary to augment the tariff. It is true, we talk of getting back this money from the States; whilst a majority of the Senate—as he (Mr. W.) thought most unwisely—have just taken from the Secretary of the Treasury the authority which he possessed, under the deposit act, to call upon the States to refund any portion of the money already deposited. And now he (Mr. W.) predicted that Congress never would make any requisition upon the States for this money, but that, when it was wanted, the South would be compelled to raise it through the operation of

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Treasury Notes.

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the tariff. Could any man doubt this result, when so bold an effort was now made to induce the Government to borrow money to pay the last instalment to the States?

The question was then put on the passage of the bill, and decided as follows:

YEAS.—Messrs. Allen, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Niles, Pierce, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams, Wright—28.

NAYS.—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Kent, Knight, Nicholas, Norvell, Preston, Robbins, Smith of Indiana, Southard, Swift, Tallmadge, Webster, White, Young—17.

So the bill was passed, and sent to the House of Representatives.

Treasury Notes.

The bill authorizing the issue of Treasury notes was taken up as in *Comité* of the Whole.

Mr. WRIGHT moved to fill up the first blank in the bill with the word "ten," thereby making the amount of notes to be issued ten millions of dollars.

Mr. W. said that it had not been possible for the committee to know the amount of the notes necessary until action had been had on the bill to postpone the fourth instalment to the States; which bill having now passed the Senate, he was able to fill up the blank. He had had an interview on the subject with the Secretary of the Treasury, and he had learned from that officer that, on the supposition that no more extension would be granted than was proposed by the bill for extending the duty bonds, he had thought the sum of eight millions would be sufficient. This was, however, on the supposition that the Bank of the United States would pay in October the instalment then due to the Government by that institution. But it was understood by the Secretary and the committee that this would not be done, that bank having bought up Treasury drafts issued in July for the payment of the third instalment to the States, and intending to give in those drafts in payment of the instalment then due from the bank. This being the case, the Secretary would require that the blank be filled up with nine million five hundred thousand dollars; and therefore, on this calculation, the committee had instructed him (Mr. W.) to move for ten millions.

Mr. CLAY, of Kentucky, was very desirous of obtaining more full information relating to one point; and that was, that as a bill had now passed the Senate for arresting the payment of the fourth instalment to the States, and since the fund intended for the use of the States was now to be applied to the use of Government, if it was intended to employ the funds in the banks before being reduced in some way or other to a specie basis, whether Government intended by laws passed, or to be passed—such,

for example, as a bankrupt law—to force the conversion of the funds now in the banks into metal, and then throw the sum thus obtained from the banks into the Treasury, there to lie without being used? His inquiry was not, he thought, useless, since it must be evident that the amount of the blank must depend upon the availability of the funds in the banks.

Mr. WRIGHT said it had been ascertained, and was so stated in the Secretary's report, that all the money in the banks subject to draft on the 28th of August last amounted only to eight million one hundred and sixty-six thousand dollars. Out of that sum the expenses for the month of September were to be taken, which would leave the sum reduced to about two millions and a half by the 1st of October. But, if the outstanding drafts should come in on the Treasury, (many of them being protested,) in that case the available amount would still be diminished, and the Treasury would be in want of means. There were, therefore, no ready means without the assistance of Congress. In all the Atlantic coast, the money in the banks had for the most part been withdrawn, (only a small sum subject to drafts being with them—say less than a million,) and creditors were not willing to receive drafts upon the South-western banks, where now almost all the funds in deposit with banks were placed.

Such being the case, and such the amount of unavailable money, the object of issuing Treasury notes was to anticipate the funds in deposit with the banks until Congress should say how those funds were to be made available. The Committee on Finance had reported a bill giving to those banks intervals of two, five, and eight months in which to pay the sums due; dividing the balance in their hands into three instalments. Again: the extension granted already, and proposed still to be granted, on bonds, would diminish the means of the Treasury; from all which considerations, the issue of these notes was rendered necessary to meet the current expenses.

Mr. CLAY, of Kentucky, professed himself greatly obliged by the valuable information communicated by the honorable Senator, (Mr. WRIGHT;) but he still felt that the inquiry which he had wished to make was not yet answered. He meant to inquire if the money in the banks was to be used as bank notes, or if the banks were to be compelled to pay them in specie; and then, if these funds were to be left idle?

Mr. WRIGHT, in reply, said they would not be used as bank-notes unless the law should authorize them so to be used.

Mr. CLAY: Then it comes to this: we have passed a bill to take funds out of the hands of those who would have been glad to use them, to put them into the hands of others who refuse to acknowledge and make use of them. The States would have been glad to receive this money in the shape of bank-notes, and we have taken it from them. Again: Government

refuses to call them funds in that shape; and to Government we have now made them over by the bill just passed! And as Government, though it receives those funds, and prevents their being paid to the States, will not acknowledge them as funds, there is a deficiency existing; and this deficiency is to be supplied by issuing Treasury notes, in order that Government may be able to get along. That is to say, Government will not receive the paper of the country, and is about to create a paper of its own, which the country is expected to receive! And thus, all the promises which have been made to us of the flowing of gold and silver all over the country—these promises of a better currency result in the issue of ten millions of paper money!

MONDAY, September 18.

Mr. RIVES gave notice that he should to-morrow ask leave to bring in a bill designating the funds to be received by Government in payment of public dues.

Mr. R. observed, that he had, on a former day, intimated his intention of proposing a bill of this description himself, in the event that no similar bill should be reported by the Committee on Finance. He viewed the neglect of this highly important subject likely to be of such serious consequence to the community at large, that he felt himself bound to act on the occasion by bringing in a bill calculated to do justice to the people in this particular.

Treasury Notes.

The bill for the issue of Treasury notes having been postponed to this day, in order to give Mr. CALHOUN an opportunity of preparing an amendment, and of offering his sentiments generally upon the subject, was now resumed by the Senate.

Mr. CALHOUN, after a general view of the state of the country and of the causes which produced the distress, and of a national bank and local banks, as furnishers of currency, went on to say:

In supporting the bank of 1816, I openly declared that, as a question *de novo*, I would be decidedly against the bank, and would be the last to give it my support. I also stated that, in supporting the bank then, I yielded to the necessity of the case, growing out of the then existing and long-established connection between the Government and the banking system. I took the ground, even at that early period, that so long as the connection existed, so long as the Government received and paid away bank-notes as money, they were bound to regulate their value, and had no alternative but the establishment of a national bank.

I found the connection in existence and established before my time, and over which I could have no control. I yielded to the necessity, in order to correct the disordered state of the currency, which had fallen exclusively un-

der the control of the States. I yielded to what I could not reverse, just as any member of the Senate now would, who might believe that Louisiana was unconstitutionally admitted into the Union, but who would, nevertheless, feel compelled to vote to extend the laws to that State, as one of its members, on the ground that its admission was an act, whether constitutional or unconstitutional, which he could not reverse.

In 1834 I acted in conformity to the same principle, in proposing the renewal of the bank charter for a short period. My object, as expressly avowed, was to use the bank to break the connection between the Government and the banking system gradually, in order to avert the catastrophe which has now befallen us, and which I then clearly perceived. But the connection, which I believed to be irreversible in 1816, has now been broken by operation of law. It is now an open question. I feel myself free, for the first time, to choose my course on this important subject; and, in opposing a bank, I act in conformity to principles which I have entertained ever since I have fully investigated the subject.

But my opposition to a reunion with the banks is not confined to objections limited to a national or State banks. It goes beyond, and comprehends others of a more general nature, relating to the currency, which to me are decisive. I am of the impression that the connection has a most pernicious influence over bank currency; that it tends to disturb that stability and uniformity of value which is essential to a sound currency; and is among the leading causes of that tendency to expansion and contraction, which experience has shown is incident to bank-notes as a currency. They are, in my opinion, at best, without the requisite qualities to constitute a currency, even when unconnected with the Government; and are doubly disqualified by reason of that connection, which subjects them to sudden expansions and contractions, and exposes them to fatal catastrophes, such as the present.

I will explain my views. A bank-note circulates not merely on account of the credit of the institution by which it is issued, but because Government receives it like gold and silver in all its dues, and thus adds its own credit to that of the bank. It, in fact, virtually endorses on the note of every specie-paying bank, "receivable by the Government in its dues." To understand how greatly this adds to the circulation of bank-notes, we must remember that Government is the great money-dealer of the country, and the holder of immense public domains; and that it has the power of creating a demand against every citizen, as high as it pleases, in the shape of a tax, or duty, which can be discharged, as the law now is, only by bank-notes or gold and silver. This, of course, cannot but add greatly to the credit of bank-notes, and contribute much to their circulation, though it may be difficult to determine, with

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any precision, to what extent. It certainly is very great. For why is it that an individual of the first credit, whose responsibility is so indisputable that his friend of equal credit endorses his note for nothing, should put his name with his friend's, being their joint credit, into a bank, and take out the notes of the bank, which is, in fact, but the credit of the bank itself, and pay six per cent. discount between the credit of himself and his friend and that of the bank? The known and established credit of the bank may be one reason, but there is another and powerful one: the Government treats the credit of the bank as gold and silver in all its transactions, and does not treat the credit of individuals in the same manner. To test the truth: let us reverse the case, and suppose the Government to treat the joint credit of the individuals as money, and not the credit of the bank; and is it not obvious that, instead of borrowing from the bank, and paying six per cent. discount, the bank would be glad to borrow from them on the same terms? From this we may perceive the powerful influence which bank circulation derives from the connection with the credit of the Government.

It follows, as a necessary consequence, that to the extent of this influence the issues of the banks expand and contract with the expansion and contraction of the fiscal action of the Government; with the increase of its duties, taxes, income, and expenditure; with the deposits in its vaults, acting as additional capital, and the amount of bank-notes withdrawn, in consequence, from circulation; all of which must directly affect the amount of their business and issues, and bank currency, and must, of course, partake of all those vibrations to which the fiscal action of the Government is necessarily exposed; and, when great and sudden, must expose the system to catastrophes such as we now witness. In fact, a more suitable instance cannot be selected to illustrate the truth of what I assert than the present, as I shall proceed to show.

To understand the causes which have led to the present state of things, we must go back to the year 1824, when the tariff system triumphed in Congress—a system which imposed duties not for the purpose of revenue, but to encourage the industry of one portion of the Union at the expense of the other. This was followed up by the act of 1828, which consummated the system. It raised the duties so extravagantly, that out of an annual importation of sixty-four millions, thirty-two passed into the Treasury; that is, Government took one-half for the liberty of introducing the other. Countless millions were thus poured into the Treasury beyond the wants of the Government, which became in time the source of the most extravagant expenditures. This vast increase of receipts and expenditures was followed by a corresponding expansion of the business of the banks. They had to discount and issue

freely, to enable the merchants to pay their duty bonds, as well as to meet the vastly-increased expenditures of the Government. Another effect followed the act of 1828, which gave a still further expansion to the action of the banks, and which is worthy of notice. It turned the exchange with England in favor of this country. That portion of the proceeds of our exports, which, in consequence of the high duties, could no longer return with profit in the usual articles which we had been in the habit of receiving principally from that country in exchange for our exports, returned in gold and silver, in order to purchase similar articles at the North. This was the first cause that gave that western direction to the precious metals, the revulsive return of which has been followed by so many disasters. With the exchange in our favor, and consequently no demand for gold and silver abroad, and the vast demand for money attendant on an increase of the revenue, almost every restraint was removed on the discounts and issues of the banks, especially in the northern section of the Union, where these causes principally operated. With their increase, wages and prices of every description rose in proportion, followed, of course, by an increasing demand on the banks for further issues. This is the true cause of that expansion of the currency, which began about the commencement of the late administration, but which was erroneously charged by it to the Bank of the United States. It arose out of the action of the Government.

The bank, in increasing its business, acted in obedience to the condition of things at the time, and in conformity with the banks generally in the same section. It was at this juncture that the late administration came into power; a juncture remarkable in many respects, but more especially in relation to the question of the currency. Most of the causes which have since terminated in the complete prostration of the banks and the commercial prosperity of the country were in full activity.

Another cause, about that time, (I do not remember the precise date,) began to produce powerful effects. I refer to the last renewal of the charter of the Bank of England. It was renewed for ten years, and, among other provisions, contained one making the notes of that bank a legal tender in all cases except between the bank and its creditors. The effect was to dispense still further with the use of the precious metals in that great commercial country, which, of course, caused them to flow out in every direction through the various channels of its commerce. A large portion took their direction hitherward, and served still further to increase the current which, from causes already enumerated, was flowing in this direction; and which still further increased the force of the returning current, on the turn of the tide.

The administration did not comprehend the difficulties and dangers which surrounded it.

Instead of perceiving the true reason of the expansion of the currency, and adopting the measures necessary to arrest it, they attributed it to the Bank of the United States, and made it the cause or pretext of waging war on that institution. Among the first acts of hostility, the deposits were removed, and transferred to selected State banks; the effect of which, instead of resisting the tendency to expansion, was to throw off the only restraint that held the banking institutions of the country in check; and, of course, gave to the swelling tide, which was destined to desolate the country, a powerful impulse. Banks sprung up in every direction; discounts and issues increased almost without limitation; and an immense surplus revenue accumulated in the deposit banks, which, after the payment of the public debt, the most extravagant appropriations could not exhaust, and which acted as additional banking capital. The value of money daily depreciated; prices rose; and then commenced those unbounded speculations, particularly in public lands, which were transferred, by millions of acres, from the public to the speculators for worthless bank-notes, till at length the swelling flood was checked, and the revulsive current burst its barriers, and overspread and desolated the land.

The first check came from the Bank of England, which, alarmed at the loss of its precious metals, refused to discount American bills, in order to prevent a further decrease of its cash means, and cause a return of those which it had lost. Then followed the execution of the deposit act, which, instead of a remedial measure, as it might have been made if properly executed, was made the instrument of weakening the banks at the point of pressure, especially in the great commercial metropolis of the Union, where so large a portion of the surplus revenue was accumulated. And, finally, the Treasury order, which still further weakened those banks, by withdrawing their cash means to be invested in public lands in the West.

It is often easier to prevent what cannot be remedied, which the present instance strongly illustrates. If the administration had formed a true conception of the danger in time, what has since happened might have then been easily averted. The near approach of the expiration of the charter of the United States Bank would have afforded ample means of staying the desolation, if it had been timely and properly used. I saw it then, and purposed to renew the charter, for a limited period, with such modifications as would have effectually resisted the increasing expansion of the currency, and, at the same time, gradually and finally wear out the connection between the bank and the Government. To use the expression I then used, "to unbank the banks;" to let down the system easily, and so to effect the separation between the bank and the Government as to avoid the possibility of that shock which I then saw was inevitable without some such remedy. The

moment was eminently propitious. The precious metals were flowing in on us from every quarter, and the vigorous measures I purposed to adopt in the renewal of the charter would have effectually arrested the increase of banks, and checked the excess of their discounts and issues; so that the accumulating mass of gold and silver, instead of being converted into bank capital, and swelling the tide of paper circulation, would have been substituted in the place of bank-notes, as a permanent and wholesome addition to the currency of the country.

But neither the administration nor the opposition sustained me, and the precious opportunity passed unseized. I then clearly saw the coming calamity was inevitable; and it has neither arrived sooner, nor is it greater, than I anticipated.

Such are the leading causes which have produced the present disordered state of the currency. There are others of a minor character, connected with the general condition of the commercial world, and the operations of the Executive branch of the Government, but which, of themselves, would have produced but little effect. To repeat the causes in a few words: the vast increase which the tariffs of 1824 and 1828 gave to the fiscal action of the Government, combined with the causes I have enumerated, gave the first impulse to the expansion of the currency. These, in turn, gave that extraordinary impulse to overtrading and speculation (they are effects, and not causes) which has finally terminated in the present calamity. It may thus be ultimately traced to the connection between the banks and the Government; and it is not a little remarkable that the suspension of specie payments in 1816 in this country, and that of 1797 in Great Britain, were produced by like causes.

Having now presented my views of the course and the measures which the permanent policy of the country, looking to its liberty and lasting prosperity, requires, I come finally to the question of relief. I have placed this last—not that I am devoid of sympathy for the country in the pecuniary distress which now pervades it.

After the best reflection, I am of the impression that the Government can do but little in the way of relief, and that it is a case which must be mainly left to the constitution of the patient, who, thank God, is young, vigorous, and robust, with a constitution sufficient to sustain and overcome the severest attack. I dread the doctor and his drugs much more than the disease itself. The distress of the country consists in its indebtedness, and can only be relieved by the payment of its debts. To effect this, industry, frugality, economy, and time, are necessary. I rely more on the growing crop—on the cotton, rice, and tobacco, of the South—than on all the projects or devices of politicians. I am utterly opposed to all coercion by this Government. But Government may do something to relieve the distress. It is out of debt,

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and is one of the principal creditors both of the banks and of the merchants, and should set an example of liberal indulgence. This I am willing to give freely. I am also prepared to vote freely the use of Government credit in some safe form, to supply any deficit in the circulation during the process of recovery, as far as its financial wants will permit. I see not what more can be safely done. But my vision may be obtuse upon this subject. Those who differ from me, and who profess so much sympathy for the public, seem to think that much relief may be afforded. I hope they will present their views. I am anxious to hear their prescriptions; and I assure them that whatever they may propose, if it shall promise relief, and be not inconsistent with the course which I deem absolutely necessary for the restoration of the country to perfect health, shall cheerfully receive my support. They may be more keen-sighted than I am as to the best means of relief, but cannot have a stronger disposition to afford it.

We have, Mr. President, arrived at a remarkable era in our political history. The days of legislative and executive encroachments, of tariffs and surpluses, of bank and public debt, and extravagant expenditure, are past for the present. The Government stands in a position disentangled from the past, and freer to choose its future course than it ever has been since its commencement. We are about to take a fresh start. I move off under the State-rights banner, and go in the direction in which I have been so long moving. I seize the opportunity thoroughly to reform the Government; to bring it back to its original principles; to retrench and economize, and rigidly to enforce accountability. I shall oppose strenuously all attempts to originate a new debt; to create a national bank; to reunite the political and money power—more dangerous than that of church and state—in any form or shape; to prevent the disturbances of the compromise, which is gradually removing the last vestige of the tariff system; and, mainly, I shall use my best efforts to give an ascendancy to the great conservative principle of State sovereignty, over the dangerous and despotic doctrine of consolidation. I rejoice to think that the Executive department of the Government is now so reduced in power and means, that it can no longer rely on its influence and patronage to secure a majority. Henceforward it can have no hope of supporting itself but on wisdom, moderation, patriotism, and devoted attachment to the constitution, which I trust will make it, in its own defence, an ally in effecting the reform which I deem indispensable to the salvation of the country and its institutions.

I look, sir, with pride to the wise and noble bearing of the little State-rights party, of which it is my pride to be a member, throughout the eventful period through which the country has passed since 1824. Experience already bears testimony to their patriotism, firmness, and

sagacity; and history will do it justice. In that year, as I have stated, the tariff system triumphed in the councils of the nation. We saw its disastrous political bearings; foresaw its surpluses and the extravagances to which it would lead. We rallied on the election of the late President to arrest it, through the influence of the Executive department of the Government. In this we failed. We then fell back upon the rights and sovereignty of the States, and by the action of a small but gallant State, and through the potency of its interposition, we brought the system to the ground, sustained as it was by the opposition and the administration, and by the whole power and patronage of the Government. The pernicious overflow of the Treasury, of which it was the parent, could not be arrested at once. The surplus was seized on by the Executive, and, by its control over the banks, became the fruitful source of Executive influence and encroachment. Without hesitation, we joined our old opponents on the tariff question, but under our own flag, and without merging in their ranks, and made a gallant and successful war against the encroachments of the Executive. That terminated, we part with our late allies in peace; and move forward, lag, or onward who may, to secure the fruits of our long but successful struggle, under the old republican flag of 1798, which, though tattered and torn, has never yet been lowered, and, with the blessing of God, never shall be with my consent.

On concluding his speech Mr. C. submitted his amendment, which provided that from and after the 1st of January next, three-fourths of the money due to the Government may be paid in notes of specie-paying banks; that from and after the 1st of January, 1839, one-half might be paid in such notes; one-quarter after the 1st of January, 1840; and that, from and after the 1st of January, 1841, all sums due the Government for customs, lands, &c., shall be paid only in the legal currency of the United States, or in such notes, bills, &c., as should by law be ordered.

Mr. WEBSTER rose, and inquired of Mr. C. to what bill it was proposed to make this an amendment.

Mr. CALHOUN replied, to one called the divorce bill between the Government and the banks, which he said was just ahead.

Mr. BENTON, after expressing his entire concurrence in the amendment of Mr. CALHOUN, sent to the Chair two amendments of his own, which he said comprised the substance of the bill introduced by him two years ago, "to re-establish the constitutional currency of the country." His first amendment provides that, after a day to be specified, all the public dues should be paid in gold and silver only, and in Treasury notes and land scrip, as might by law be authorized; and the second provides that, after the resumption of specie payments by the banks, the Treasury should begin with specie payments.

[These amendments, together with Mr. CALHOUN's, were ordered to be printed.]

Mr. B. said he should not have risen in this debate, had it not been for the misapprehensions which seemed to pervade the minds of some Senators as to the character of the bill. It is called by some a paper-money bill, and by others a bill to germinate a new national debt. These are serious imputations, and require to be answered, not by declamation and recrimination, but by facts and reasons, addressed to the candor and to the intelligence of an enlightened and patriotic community.

I dissent from the imputations on the character of the bill. I maintain that it is neither a paper-money bill, nor a bill to lay the foundation for a new national debt; and will briefly give my reasons for believing as I do on both points.

There are certainly two classes of Treasury notes—one for investment, and one for circulation; and both classes are known to our laws, and possess distinctive features, which define their respective characters, and confine them to their respective uses.

The notes for investment bear an interest sufficient to induce capitalists to exchange gold and silver for them, and to lay them by as a productive fund. This is their distinctive feature, but not the only one; they possess other subsidiary qualities, such as transferability only by endorsement—payable at a fixed time—not re-issuable—nor of small denomination—and to be cancelled when paid. Notes of this class are, in fact, loan notes—notes to raise loans on, by selling them for hard money—either immediately by the Secretary of the Treasury, or, secondarily, by the creditor of the Government to whom they have been paid. In a word, they possess all the qualities which invite investment, and forbid and impede circulation. The act of 1812 authorized an issue of notes of this description. They bore five and two-fifths per cent. interest, with an express clause that the Secretary of the Treasury might raise money upon them by loan. I presume there are Senators present who were members of the House of Representatives in 1812, who gave the sanction of their approbation to the Treasury note law of that year, and who would be very unwilling to hear the epithets applied to that law which are lavished upon this bill, which is copied from it.

The Treasury notes for currency are distinguished by features and qualities the reverse of those which have been mentioned. They bear little or no interest. They are payable to bearer—transferable by delivery—re-issuable—of low denominations—and frequently reimbursable at the pleasure of the Government. They are, in fact, paper-money, and possess all the qualities which forbid investment, and invite to circulation. The Treasury notes of 1815 were of that character, except for the optional clause to enable the holder to fund them at the interest which commanded loans—at seven per cent.

These are the distinctive features of the two classes of notes. Now try the committee's bill by the test of these qualities. It will be found that the notes which it authorizes belong to the first-named class; that they are to bear an interest, which may be six per cent.; that they are transferable only by endorsement; that they are not re-issuable; that they are to be paid at a day certain, to wit, within one year; that they are not to be issued of less denomination than one hundred dollars; are to be cancelled when taken up; and that the Secretary of the Treasury is expressly authorized to raise money upon them by loaning them.

These are the features and qualities of the notes to be issued, and they define and fix their character as notes to raise loans, and to be laid by as investments, and not as notes for currency, to be pushed into circulation by the power of the Government, and to add to the curse of the day by increasing the quantity of unconvertible paper money.

The execution of the act, and especially the cardinal feature of the quantum of interest, is left to the President and the Secretary of the Treasury. I presume it will be executed as a law to borrow money; and in that point of view the interest was left open, under a maximum limit, as is proper to be done in all propositions for loans. Bids may be invited by advertisement; the competition of lenders may fix the interest; capitalists may fix it by competition, though nominally left to the discretion of the President and Secretary; and at whatever rate it is thus fixed—at whatever rate a loan of gold and silver is commanded—at that rate the whole issue, made at any one time, ought to go. There should not be two rates of interest—a high one for the independent and opulent capitalist, and a low one for the helpless and necessitous public creditor.

This is my opinion of the character of these Treasury notes, and of the mode of using them. I cannot doubt but that lenders will present themselves, and that the whole ten millions may be borrowed in gold and silver just as fast as the Government needs it. That opinion is formed upon data—upon the great amount of specie now in the country, its unproductiveness to its present holders, and the facility with which large amounts of specie were borrowed immediately after the bank suspensions and the commercial revulsions of 1819. The specie in the United States cannot now be less than it was six months ago, to wit, eighty millions of dollars; for it is shown by the Custom-house reports, and other data, that, notwithstanding the efforts to ship it to Europe, the imports and exports are about even during that time; and that, taking the whole fiscal year together, the imports now exceed the exports by nearly four millions of dollars; and that near \$900,000 in gold have been coined in the first three quarters of the present calendar year. The specie in the country cannot, therefore, be less than \$80,000,000, and, upon the calculation of last

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year, is more. The whole of this vast amount is lying idle, barren, and unproductive to its owners—not that they are all unwilling to lend it, and to receive interest, but for want of borrowers in whom they have confidence. The United States will present that borrower, and will bring forth the boarded treasures which the lack of general confidence now consigns to sterility in private chests and in special bank deposits. Thus it was in 1819-'20. The commercial and bank catastrophe of that period took place in 1819; in less than a year afterwards, from the collapse of business and the stagnation of commerce, money in the Atlantic cities was abundant, idle, and seeking investment at four or five per cent. So says Mr. Cheves—so we can all remember.

The bill has been denounced as the germ of a new national debt. It certainly proposes the creation of a debt. But for what purpose, and under what circumstances? To comply with the maxim, that a public debt is a public blessing? By no means! But to relieve the States from being called upon for a reimbursement of any part of the twenty-seven millions of dollars which have been deposited with them; to relieve the merchants from an immediate payment of four millions; and to relieve the late deposit banks from an immediate press for six millions. This is the object. The loan of ten millions on the Treasury notes comes in place of the four and six millions due from merchants and the banks. It is because we cannot collect the one, that we create the other. If we had the ten millions from the merchants and the banks, we should not want the Treasury notes; not being able to collect those ten millions, we give time to our debtors, and borrow an equivalent sum.

I trust I have vindicated the bill from the stigma of being a paper currency bill, and from the imputation of being the first step towards the creation of a new national debt. I hope it is fully cleared from the odium of both these imputations. I will now say a few words on the policy of issuing Treasury notes in time of peace, or even in time of war, until the ordinary resources of loans and taxes had been tried and exhausted. I am no friend to the issue of Treasury notes of any kind. As loans, they are a disguised mode of borrowing, and easy to slide into a currency: as a currency, it is the most seductive, the most dangerous, and the most liable to abuse of all the descriptions of paper money. "The stamping of paper (by Government) is an operation so much easier than the laying of taxes, or of borrowing money, that a Government in the habit of paper emissions would rarely fail, in any emergency, to indulge itself too far in the employment of that resource, to avoid as much as possible one less auspicious to present popularity." So said General Hamilton; and Jefferson, Madison, Macon, Randolph, and all the fathers of the republican church, concurred with him. These sagacious statesmen were shy of this facile and

seductive resource, "so liable to abuse, and so certain of being abused." They held it inadmissible to recur to it in time of peace, and that it could only be thought of amidst the exigencies and perils of war, and that after exhausting the direct and responsible alternative of loans and taxes. Bred in the school of these great men, I came here at this session to oppose, at all risks, an issue of Treasury notes. I preferred a direct loan, and that for many and cogent reasons. There is clear authority to borrow in the constitution; but, to find authority to issue these notes, we must enter the field of constructive powers. To borrow, is to do a responsible act; it is to incur certain accountability to the constituent, and heavy censure if it cannot be justified; to issue these notes, is to do an act which few consider of, which takes but little hold of the public mind, which few condemn and some encourage, because it increases the quantum of what is vainly called money. Loans are limited by the capacity, at least, of one side to borrow, and of the other to lend; the issue of these notes has no limit but the will of the makers and the supply of lamp-black and rags. The continental bills of the Revolution, and the assignats of France, should furnish some instructive lessons on this head. Direct loans are always voluntary on the part of the lender; Treasury note loans may be a forced borrowing from the Government creditor—as much so as if the bayonet were put to his breast; for necessity has no law, and the necessitous claimant must take what is tendered, whether with or without interest—whether ten or fifty per cent. below par. I distrust, dislike, and would fain eschew, this Treasury note resource. I prefer the direct loans of 1820-'21. I could only bring myself to acquiesce in this measure when it was urged that there was not time to carry a loan through its forms; nor even then could I consent to it, until every feature of a currency operation had been eradicated from the face of the bill.

Mr. WALKER said he had all along intended to offer a similar amendment, and would now (by leave of Mr. C.) do so. Mr. W. said he was opposed to allowing any interest whatever on the notes to be issued, and for the following reasons: First, because it appeared to him quite unnecessary to allow interest on them. This Government, possessed of a public domain of such vast extent and value, amounting to at least seven hundred millions of acres, and being out of debt, (the only Government of which such a proud circumstance could be related,) was not under the necessity of alluring credit to its notes by the offer of a trifling interest. Notes issued by such a Government would command full credit equal to gold and silver, and would freely pass as such without interest. This was his first reason against these notes bearing any interest.

His second reason was the following: If these notes are made to bear interest, they

would, almost immediately on their issue, take their flight to Europe; they would be transmitted there, instead of specie; and, coming from a Government of such undoubted credit, they would be freely received there in payment of our debts, even without bearing any interest. Much more, therefore, would they be made welcome in Europe when they bore interest. This was his second reason for wishing to allow no interest upon them, because it would lead to their more rapid abstraction from circulation here.

A third reason Mr. W. would now state, which, indeed, was a branch of his second reason, but to which he earnestly solicited the attention of Senators. He thought that, in consequence of the issue of these bills, bearing interest, an immediate effect would be produced upon the price of cotton, highly injurious to the interests of planters in the South. There is now (said Mr. W.) a demand for cotton, and, consequently, a rise in its price. The cause of this he was disposed to attribute to the fact that cotton was a better remittance to Europe in payment of our debts than specie; and, therefore, merchants who had to remit to Europe, instead of buying specie, bought cotton, and remitted it in the place of specie. Hence a demand for cotton in the market. He (Mr. W.) understood that the Bank of the United States itself had gone into market and bought up cotton to send to Europe, instead of specie, setting the example of a remittance so highly conducive to the interests of the cotton-grower—having purchased (he believed) as much as three millions of dollars worth of cotton.

Now, the effects of this issue, with interest, would be, that the whole ten millions issued would be sent to Europe, instead of the produce of the country; and, consequently, ten millions less of cotton, or other produce, would be sold. This he (Mr. W.) considered absolutely the same thing as directly taking so much money out of the pockets of the Southern producers, because, but for this measure, so much money would be expended with them in the purchase of their produce. If the merchants who now remitted cotton instead of specie could find any thing more convenient for them to remit—more easily to be procured and transmitted—they would naturally avail themselves of it. Now, these notes bearing interest were precisely this convenient remittance which the merchants wanted; and, therefore, instead of buying up any more cotton, they will possess themselves of these notes, and remit them. And, on the other hand, they in Europe would prefer these notes to our cotton, as coming from a Government such as he (Mr. W.) had described, and bearing interest besides, which the cotton did not. Thus the effect would be to throw the cotton of the South out of the market, and thereby cause a fall in its price ruinous to the already ruined producers. Such a measure he, as coming from the great cotton-growing State,

felt himself called upon most strenuously to oppose.

Another reason he would state why he wished this issue of notes bearing an interest should not take place; it was this: these notes being remitted to Europe, (as undoubtedly they would be,) would create a debt abroad against us. Our Government would thus be made a debtor to foreign Governments and people—a thing in his view by no means desirable. Mr. W. concluded by moving that so much of the bill as relates to allowing interest upon the notes be stricken out.

Mr. WRIGHT expressed himself taken by surprise with the amendment offered by the Senator from Mississippi. From the discussion which had already taken place on this bill, it was evident that there was much difference of opinion among Senators on this subject; some differed from views of policy, others on principle. He confessed it was his hope that the amendment just offered would not be agreed to. The object which he was anxious to attain was, to make these notes, as far as practicable, equal to gold and silver, and as acceptable to the public creditor. Now, it did not appear to him that this object could be attained unless the discretion allowed by this bill to the Secretary was retained in the bill. Mr. W. did not think that the country, at this peculiar juncture, was in a condition to bear the emission of notes without interest. The effect of such an issue would be to cause the notes to sink in value in the market; but if they bore interest, no risk of this kind he thought would be run. It was to be borne in mind that the interest was not fixed; it was only limited not to exceed six per cent.; in every other respect, the question was left entirely to the discretion of the Secretary.

Mr. KING, of Georgia, must profess the high respect he entertained for the sentiments and opinions of the Senator from South Carolina, (Mr. CALHOUN,) and of the Senator from Mississippi, (Mr. WALKER.) It was, therefore, somewhat painful to his feelings to be obliged, on the present occasion, to differ from those honorable gentlemen. There was one principle of finance which appeared to him incontrovertible: namely, that whenever there existed two sorts of currency in circulation, of which the one, from any cause, possessed any advantages above the other, by answering any one purpose more than the other, then that would always command a small premium over the other. This truth was fully evidenced at the present moment, when drafts which had even been protested, yet, coming from the Government, commanded a premium little inferior to that of gold and silver. In order to place these Treasury notes in the most favorable position, and to prevent their depreciation, Mr. K. thought that the discretion allowed by the bill ought to be left with the Secretary, to be used according to the emergency of circumstances. The Secretary might then attach to the notes what in-

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terest might be necessary to make them acceptable to the creditors of the Government. He did not entertain the apprehensions of his honorable friend from Mississippi (Mr. WALKER) that these notes would find their way to Europe. We had had kites enough, (and, indeed, too many,) which had been made to fly across the Atlantic; and now he thought no more of our paper would find its way to Europe—at least until our debt was paid off there.

Mr. K. proceeded further to combat the opinion of Mr. WALKER, urging that at the present state of the exchanges between the two countries, a better state of things could not perhaps be expected.

Mr. BENTON asked for the yeas and nays on Mr. WALKER's motion; which were ordered, and the amendment was rejected—ayes 6, noes 40, as follows:

YEAS.—Messrs. Black, Calhoun, McKean, Strange, Walker, Young—6.

NAYS.—Messrs. Allen, Bayard, Benton, Brown, Buchanan, Clay of Alabama, Clay of Ky., Clayton, Fulton, Grundy, Hubbard, Kent, King of Ala., King of Georgia, Knight, Lyon, Morris, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Conn., Smith of Ind., Southard, Spence, Swift, Tallmadge, Tipton, Wall, Webster, White, Williams, Wright—40.

The bill was then ordered to be engrossed and read a third time, by the following vote:

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clayton, Fulton, Grundy, Hubbard, Kent, King of Ala., King of Georgia, Knight, Lyon, McKean, Morris, Nicholas, Niles, Norvell, Pierce, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tallmadge, Tipton, Walker, Wall, Webster, White, Williams, Wright, Young—42.

NAYS.—Messrs. Clay of Kentucky, Crittenden, Preston, Southard, Spence—5.

Merchants' Bonds.

The bill extending the time for the payment of merchants' revenue bonds, was next taken up.

Mr. SEVIER called for the yeas and nays on the question, which were ordered, and it was carried in the affirmative—ayes 44, noes 1; Mr. SEVIER only voting in the negative.

So the bill was ordered to be engrossed for a third reading.

TUESDAY, September 19.

The following bills were read a third time and passed:

The bill authorizing the issue of Treasury notes;

The bill to extend the time of payment on merchants' revenue bonds; and

The bill for adjusting the remaining claims on the late deposit banks.

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Mr. RIVES, pursuant to notice, rose to ask

leave to introduce a bill to designate the funds receivable in payment of the revenues of the Government.

Mr. R., on introducing the bill, addressed the Chair as follows:

Mr. President: I rise, in pursuance of the notice I gave yesterday, to ask leave to bring in "A bill to designate the funds receivable in payment of the revenue of the United States." It will be borne in mind by the Senate that among the most prominent, and certainly not the least important objects presented both by the President's Message and the report of the Secretary of the Treasury, for the "immediate attention" of Congress at their present session, is the expediency of some legislative provision defining the character of the funds to be received, in future, in discharge of the public dues. From the intimate connection between the collection of the public revenue and the general currency of the country, this question has, in my estimation, far more essential bearings on the great interests of the community than any which the President has submitted for our deliberations. The Committee on Finance, however, to whom the Message was referred, have not thought it proper to make any report on that portion of it, and we have been informed by the honorable chairman, that it is not their intention to make any report upon it at the present session. It is this omission on the part of the committee that it is the object of my motion now to supply.

The President recommends that henceforward the whole revenues of the United States shall be collected exclusively in gold and silver. A proposition of so marked a character, emanating from a source of such high authority, could not fail to excite deep anxiety in the public mind; and it seemed to me that all uncertainty in regard to the policy of the Government on so vital a subject, should be promptly settled one way or the other, by the action of the legislative department. It is my misfortune to differ with the President in his views of the expediency of this proposition. I am fully convinced that, in the actual condition of our circulating medium, and in what is likely for years to come to be its condition, the operation of such a measure would be distressing to the community, injurious to every branch of industry and enterprise, and, above all, would postpone indefinitely that return to specie payments by the banks, which is the great object of the public solicitude, and ought to be the end and aim of our deliberations here. Viewing the question in this light, I desired it should be met with promptitude, considered with candor, and decided with wisdom.

Since I gave notice yesterday of my motion, two gentlemen, the Senator from South Carolina, (Mr. CALHOUN,) and the Senator from Missouri, (Mr. BENTON,) have submitted propositions intended to carry out the President's recommendation, differing somewhat in detail, but both founded on the principle of rejecting

bank paper altogether in the operations of the Government, even though immediately convertible into specie, and issued by banks of unquestionable solidity. Both contemplate, as does the recommendation of the President, a thorough revolution in the policy and practice of the Government. From the origin of the Government it has been the practice of the Treasury Department to treat the notes of specie-paying banks as equivalent to specie; and the joint resolution of 1816 expressly placed bank notes convertible into specie on the same footing with specie, in the fiscal transactions of the Government. It is true that, under the construction given to that act by the law officer of the Government, the late President of the United States caused an order to be issued requiring payments for public lands to be made in gold and silver alone, still leaving the other branch of the revenue (the customs) to be collected as heretofore, in the notes of, or checks on, specie-paying banks. That order was understood at the time to be issued for objects purely of a temporary nature, and as such it may have been a salutary measure. But its continuance as a part of the permanent policy of the Government was almost unanimously repudiated by the voice of the representatives of the people and of the States.

You well remember, Mr. President, that the discussions to which this subject gave rise, during the last session of Congress, terminated in the passage of a bill, by overwhelming majorities of both Houses, distinctly reaffirming the principle of the joint resolution of 1816, in relation to the receivability of the notes of specie-paying banks, and containing also the significant provision that, in future, no discrimination should be made between the different branches of the revenue, as to the medium in which they were to be paid. This bill received the votes of nine-tenths of the members of this House, and near three-fourths of the other. Still it did not become a law. The circumstances under which it was arrested in the ordinary and regular course, and which alone prevented it from being now the law of the land, are fresh in the recollection of the country. I will not speak of them, for it is my sincere wish to keep out of the present discussion every thing which may awaken unpleasant feelings. But this I will say, that no act of legislation was ever the subject of a more watchful scrutiny, in the various stages of its progress; few, if any, have ever met a fuller discussion, or a more deliberate consideration; none, within my experience, have ever received a more unanimous and emphatic assent of the bodies by which it was passed. The country, too, so far as I have been able to learn, (and I have not been an inattentive observer of the evidence of public sentiment on the subject,) has responded with a general voice of approbation to the decision of Congress, and warmly and cordially sustained it. It is that measure, thus doubly sanctioned, with some modifications suited to the change

of circumstances, that I beg leave to re-present as a compliance with the call of the President on Congress for further legislation, believing it to be adapted to the exigencies of the occasion, as well as useful and salutary in its general operation on the currency.

The principles of that bill were these: It declared that the public dues should be collected in specie, or in the notes of specie-paying banks, under certain restrictions in regard to small notes, which were intended to promote the suppression (ultimately but gradually) of all notes under twenty dollars; and it further provided, as I have already stated, that, in future, no discrimination should be made between the different branches of the revenue, as to the funds in which they were receivable. These principles are incorporated in the bill I now ask leave to present, and in the very language in which they stood in the bill of last session. The modifications of that bill which I have made with reference to existing circumstances are these: In contemplation of the contingency (now highly probable) of an issue of Treasury notes, I have introduced an alternative clause, declaring that, in addition to specie and the notes of specie-paying banks, the public dues may be collected "in any other medium specially authorized by law." The other modification has relation to the great desideratum of an early resumption of specie payments by the banks, and consists in a proviso that "the notes of no bank which now fails, or may hereafter fail, to redeem its notes in specie, shall, at any time, be received in discharge of the public dues, unless such bank shall, on or before a given day, have *bona fide* resumed payment in specie." The object of this proviso is to designate a fixed period for the resumption of specie payments by the banks, which may serve as a rallying point to them all, and produce that concert and harmony of movement, without which this most desirable end cannot be accomplished. There will be no difficulty, I think, from the data already in our possession, or easily attainable, in fixing that period understandingly and judiciously. The mere designation of a day by Congress will, itself, be powerfully operative in effecting the result we aim at. You doubtless recollect, Mr. President, what was the effect produced by a similar proceeding in 1816-'17. By the joint resolution of April, 1816, the 20th of February following was fixed as the day for the resumption of specie payments by the banks. The banks themselves determined, in a formal convention held for the purpose, not to resume until the 1st day of July, 1817; but the firm adherence of Congress to their original resolution forced the banks to yield, and they finally and simultaneously resumed specie payments on the 20th February, 1817, the day indicated by the act of Congress. I have, Mr. President, spoken of this matter in reference to the particular circumstances of the crisis, and what appears to me to be the pressing and paramount object to which the attention of every patriotic

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legislator ought to be directed at the present moment—an early resumption of specie payments by the banks. But, looking at it in a broader and more general point of view, I ask, sir, upon what principle of republican government is it that the Government can be justified in drawing a line between itself and the people—in saying there shall be one currency for the Government and its officers, and another for the great body of the community—that the better currency shall be for the governors, and the baser currency for the governed? Such I have shown must be the effect of demanding the public dues in gold and silver exclusively, while the great mass of the circulation shall consist of bank paper. Sir, I have always been taught to believe—my honorable colleague and myself learned it from the bill of rights of our own State as soon as we were capable of reading—that a common interest between the governors and the governed is a fundamental principle of free institutions, and that the best means of “restraining the former from oppression is to make them feel and participate in the burdens of the latter.” Let the Government share the same fate with the citizen, and you give it the strongest of all motives to watch over the general interests. On the other hand, place it in a position different from that of the great body of the community, especially in so vital a matter as that of its revenue and pecuniary support, and you make it at once callous and indifferent to the sufferings of the people, and even give it an interest to perpetuate those sufferings. You destroy all sympathy on the part of the Government with the people, and you alienate the confidence and affections of the people from the Government.

What, sir, is at this moment the ungracious attitude in which the Government is placed towards the people? Its officers and contractors are paid in gold and silver, or in Treasury drafts made receivable in discharge of public dues, and therefore nearly equivalent to gold and silver, while the community at large are left to conduct their business as they may, in an irredeemable paper currency. Does not this operate as a virtual increase of the salaries of public officers, in the midst of general distress affecting all the rest of the community? The gold and silver which they receive is at a premium of ten or twelve per cent., and the Treasury drafts at seven or eight per cent., above the actual and common currency of the country. This premium is, I repeat, an addition of so much to the amount of their salaries; for, in a practical sense, there has as yet been no depreciation in the value of current bank notes. They pass for as much in the ordinary business of life—in the payment of debts, in the purchase of necessities and conveniences, of whatever is worn, drank, or eaten—as they ever did. The premium, then, which the public officers and contractors obtain on their gold and silver, and Treasury drafts, is so much clear gain to them. And at whose expense is it acquired?

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Is it not at that of the great body of the people, the ultimate taxpayers and supporters of the Government. Does any one suppose that the importing merchant, who has to give ten or twelve per cent. for the gold and silver, and seven or eight per cent. for the Treasury drafts, with which he pays his duties to the Government, does not add an equal amount, with the usual profit upon it, to the price of his goods? It is, then, the consumer at last, or, in other words, the great body of the people, who are subject to increased taxation for the benefit of the office-holder and the contractor.

Sir, this is a state of things which I do not wish to see perpetuated. It is contrary to the genius and fundamental principles of our republican system. Of all schemes of policy I can conceive, that which proposes a permanent distinction between the Government and the people in their pecuniary interests—one currency, and that the better one, for the Government, and another, and inferior currency, for the people—such a system of discrimination is, to my mind, of all others, the most injurious and revolting in principle, the most heartless in character, and the most despotic in its tendencies. It is like quartering the Government, as a foreign enemy, on the heart of the country. You intrench it behind a frowning fortification, surround it with battlements, and lay the country, far and near, under contribution for the support of this garrison of office-holders. Desolation and oppression are without, while the tenants of the citadel are revelling in luxury and profusion within. I am not willing, for one, to see the Government of my country placed in this antisocial, if not belligerent, attitude towards the people. I am not willing that this favored land, to which the nations of the earth are looking for a successful example of the practical enjoyment of free institutions, should exhibit such a spectacle of inequality and oppression in the eyes of the world.

Much reliance, Mr. President, has been placed on the popular catch-word of divorcing the Government from all connection with banks. Nothing is more delusive and treacherous than catch-words. How often has the revered name of liberty been invoked, in every quarter of the globe, and every age of the world, to disguise and sanctify the most heartless despotism. Let us beware that, in attempting to divorce the Government from all connection with banks, we do not end with divorcing the Government from the people. As long as the people shall be satisfied in their transactions with each other, with a sound convertible paper medium, with a due proportion of the precious metals forming the basis of that medium, and mingled in the current of circulation, why should the Government reject altogether this currency of the people, in the operations of the public Treasury? If this currency be good enough for the masters, it ought to be so for the servants. If the Government sternly reject, for its uses, the general medium of exchange adopted by

the community, is it not thereby isolated from the general wants and business of the country, in relation to this great concern of the currency? Do you not give it a separate, if not hostile, interest, and thus, in effect, produce a divorce between Government and people?—a result, of all others, to be most deprecated in a republican system.

We have been told, Mr. President, of the embarrassments and inconveniences to which the Government is exposed, by receiving its revenues in any thing but gold and silver, in such an event as has now overtaken the country and involved it in general distress. For one, sir, I cannot respond to this appeal. I do not desire to see the Government placed in a position that would exempt it from embarrassment when the people are embarrassed. Would it give any satisfaction to a patriotic mind, in the present calamitous condition of the country, to see treasures of gold and silver pouring into the coffers of the Government, while the people are suffering all the evils of an irredeemable and depreciating paper currency? For myself, I am free to say, that neither as a citizen nor as a representative, having it in my power, if I would, to participate, in some degree, in these peculiar advantages of the Government, could such a state of things minister the slightest gratification to me. No, sir, my heart disowns the thought. So far from it, the contrast would be but a new feature added to the mortifying and distressed condition of the country, and casting reproach upon our institutions, which admitted such an unnatural and anti-republican inequality. If any thing could make your Government a callous and indifferent spectator of the sufferings of the people, refusing a helping hand to their relief, and “mocking when their fear cometh on,” it would be to place it in a position like this. No, sir; whenever the people suffer embarrassment, embarrassment should be felt by the Government, that it may be stimulated, through experience of the common suffering, to do all it can to prevent or relieve that suffering. I am for holding the Government in all things to a common fate with the people, so that whatever touches the one shall be immediately felt by the other. Let the condition of the Government answer to the condition of the people, so that the conduct and policy of the one may, with equal fidelity, reflect the interests and sentiments of the other.

This, sir, is the principle which has always guided my views in regard to the great question of the currency. No one desires a sound reform of the currency more than I do; but I wish to improve it for the benefit of the people as well as of the Government. I desire to see a large infusion of the precious metals into the general circulation and business of the country, and not a monopoly of them by the Government. This great object can be effected only by the suppression of bank notes of the lower denominations, and not by demanding gold and silver alone in payment of dues to the Govern-

ment. Let all notes under twenty dollars be gradually suppressed, and you will have an abundance of gold and silver in common circulation, passing from hand to hand in the common business of society. That will be a salutary and beneficent reform, enuring to the advantage of the great body of the people as well as of the Government; and when it shall have been accomplished, when gold and silver shall thus have become the common currency of the country, you may, without hardship or injustice, demand payment of the public dues in the precious metals. But this most desirable result—the general circulation of gold and silver in the common business of life—never can be effected (as I think I have fully shown on another occasion) without a previous suppression of bank notes of the lower denominations. In every scheme of reforming the currency, which looks to the benefit of the people as well as of the Government, this is the great point to be aimed at. It was the leading object of the measure I brought forward during the last session of Congress, and which then received the almost unanimous sanction of this House, and the assent of a large majority of the other, though, from causes to which I have already alluded, it failed to become a law. The same measure, in all its essential principles, I now again submit for the consideration of the Senate.

The President, sir, in his Message, tells us that the requisition of gold and silver in payment of the public dues would have “a direct tendency to produce a wide circulation of the precious metals, to increase the safety of bank paper, and to improve the general currency.” I desire to treat the opinions of the President with all possible respect—a respect felt alike for the individual and the magistrate; but unless I have wholly misconceived the elementary principles which belong to this subject, as well as their obvious practical operation, it is impossible to sustain any one of these positions. How, sir, can the collection of the revenue in gold and silver tend “to widen the circulation of the precious metals?” It is a well-known and invariable law of currency, that bank notes and coins of the same denomination cannot circulate together. It is in vain, then, to attempt to widen the circulation of gold and silver by any other means than by the suppression of bank notes of the lower denominations. But, not now to dwell on this view of the subject, (which I have fully developed and enforced elsewhere,) I maintain that the collection of public revenue in gold and silver, while the common currency of the country consists of bank paper, instead of widening the circulation of those metals, would have the effect of taking them out of general circulation altogether. In the remarks I have already made, I think it has been satisfactorily shown that the necessary effect of this policy would be to cause gold and silver to bear a premium. Bearing a premium, they would not circulate as currency at all, but

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would be at once converted into an article of merchandise. The public debtor would buy them of the broker to pay his dues to the Government; and when paid out to the public creditor, he would go and sell them again to the broker. Instead of entering into circulation, all of them that were seen would be restricted to this narrow round of traffic, while the great mass of them would be withdrawn from public view as well as use.

Then, sir, as to the tendency of this policy to "increase the safety of bank paper"—would you increase the safety of bank paper by abstracting the fund for its redemption? Yet such would be the plain operation of this policy. The Secretary of the Treasury has referred to the condition of the Treasury in 1834, as affording a general average to illustrate the operation of the new financial system he proposes. In looking at the Treasury statements for that year, I find that the average amount of public moneys on deposit in the city of New York, during that year, was about five millions, while the whole amount of specie in the banks of the city was about two millions. Taking this as a fair average for that city, what would be the influence of this new policy of collecting the public dues in gold and silver, on the safety of bank paper there? Where would you get the five millions of specie to meet this demand for the public revenue? It is evident the banks would be drained by it of their stock of the precious metals, and the community would thus be deprived of the security on which they relied for the soundness of the bank paper held by them. The "improvement of the general currency," then, which the President anticipates as the result of the policy he proposes, would, unless the principles heretofore received as incontestable truths on the subject of the currency be utter fallacies, amount to this, that the precious metals would no longer form a part of the general circulation; that they would cease to be currency, and become mere articles of merchandise, to be obtained only at a premium, and that the specie basis, on which the soundness and safety of bank paper so mainly depend, would henceforward, to a great extent, be withdrawn and monopolized by the Government.

The measure which I now offer to the consideration of the Senate, and which received the almost unanimous sanction of both Houses of Congress at the last session, is the result of these views. Permit me, for a few moments, to inquire what would be its practical effects on the general condition of the currency, if the policy it holds out should be carried into full effect by the co-operation of the States and the General Government, as I think it would be if sustained here. It contemplates the gradual suppression, after given periods, of all bank notes under ten and twenty dollars respectively. Supposing this last limit attained, how would the currency of the country then stand under its operation? According to a calculation I

submitted last winter, founded on authentic data, it would in that case be constituted nearly as the currency of England is, that is, nearly one-half of the precious metals, and the residue of convertible paper. Would not such a constitution of the currency as this accommodate all the wants of the community? What are the real wants of the country in regard to currency? To have a sound, staple, and convenient medium of circulation, for ordinary and local purposes; and for occasional and more extended use, a medium which, in addition to these fundamental properties, shall be substantially of uniform value throughout the whole country. Now, for the first description of uses there could be no better currency than the policy of this bill would give us. There would be an abundance of gold and silver in circulation for the great mass of ordinary and daily transactions, while, for large payments and remittances, we should enjoy the conveniences of a sound, convertible paper medium. In regard to those distant uses which call for a medium of general and uniform credit, the occasions of them are either travelling or remittances. But for travelling, there could be no medium of more uniform and general credit than the gold coins, which, in the case supposed, could always be had without difficulty, while they would at the same time be perfectly portable and convenient. As to distant remittances, they are hardly ever made in money of any sort, but are effected through drafts and bills of exchange; and when the local currencies within their respective spheres shall be raised to par with specie, the rates of exchange, with the advantages of so portable a currency as gold to adjust balances between the States, would be next to nothing—certainly as cheap as it has ever been under the regime of a national bank.

Among the most important advantages of such a constitution of the currency as is contemplated by this bill, are the substantial securities it would afford against the peculiar dangers and evils of the banking system. Those evils are, a tendency to over-issues of paper, fluctuations in the quantity of currency and in the value of property as effected by them, and the liability to a suspension of specie payments. The suppression of the small notes would operate, in two ways, to check over-issues. In bringing a larger quantity of gold and silver into circulation, it would, of course, diminish in the same proportion the issues of paper to form a part of the circulation. The number of issuers, too, would be diminished; for, the small note circulation being a considerable source of profit, its suppression would take away one efficient motive to the multiplication of banks. Then as to fluctuations in the amount of the currency, and the often ruinous fluctuations that ensue in the value of property, this evil is greatly increased by the fact that, in the existing state of the currency in this country, whenever an unfavorable balance of trade creates a drain on the banks for specie, having no means

of recruiting their supply but from abroad, for every dollar of specie that is drawn from them, they are forced to draw in their own circulation to three or four times the amount. But when the domestic channels are filled with gold and silver, as they would be if the small notes were suppressed, the banks, being always able to replace whatever specie is drawn from them, by a foreign drain, with an equal quantity obtained in the country, their circulation remains comparatively steady. The same circumstance, enabling the banks to meet any sudden run upon them by a prompt reinforcement of their resources, obviates the danger of a suspension of specie payments, and renders such a contingency next to impossible. If all bank notes under twenty dollars had been suppressed, who, for example, could suppose that, filled as the channels of circulation would in that case have been with gold and silver, and the quantity of bank paper comparatively small, the banks of this country would, in the late pressure, have been compelled to suspend specie payments?

The system of policy, then, proposed by this bill, if carried into full execution, would secure to the country a sound, stable, convenient, and substantially uniform currency—consisting nearly one-half of coin for the daily and ordinary transactions of life, and the residue of sound convertible paper, for large operations and commercial purposes. Without depriving the community of any of the advantages of the banking system, it would obviate the danger and cure the evils incident to that system. But the Senator from South Carolina, (Mr. CALHOUN,) while acknowledging the high importance of the reform contemplated by the bill, objects that the means proposed for its accomplishment are inefficient. If that gentleman be right in supposing that the credit of bank paper is owing to its receivability in payment of the public dues, which, he says, operates as a general endorsement of it by the Government, then surely the means proposed by the bill are not inefficient. What more powerful inducements could be addressed to the banks to conform their issues to the provisions of the bill, than the announcement that, if they did not do so, the Government would withhold from them that which, according to the opinion of the Senator from South Carolina, alone gives credit to their paper? But, without agreeing with the Senator from South Carolina in the extent to which he carries his views of the credit of bank paper being solely derived from its receivability by the Government, I still believe that the sanctions of this bill, though I have never supposed them sufficient of themselves to fully accomplish the object, would exert a very considerable influence on the conduct of the banks. It must not be forgotten that the means proposed by this bill are the very means employed by the joint resolution of 1816, to bring the banks back to specie payments on that occasion, and which, notwithstanding the previously declared determination of the banks to the contrary, did bring

them back to specie payments on the day fixed by that resolution. The same means, too, were employed with success by the Secretary of the Treasury, in 1815, to induce the banks to receive Treasury notes (which had sustained a considerable depreciation) at par, though they had before refused to receive them either in payment or on deposit.

One of the most alarming and portentous aspects of this sub-Treasury scheme still remains to be considered. To my view it has a squinting, an "awful squinting," towards a Treasury bank—a bank under the sovereign and exclusive control of Executive agents. It appears from the report of the Secretary of the Treasury that the contemplated fiscal agencies are to furnish "a paper medium" for the community, by "issuing certificates and drafts payable in specie to bearer or order, and made receivable for all public dues." After descanting on the advantages of "this kind of paper," he says: "If the demand for such paper increased, public and private convenience might be promoted, and an equal quantity of specie, at the same time, preserved in the country, by reserving for this purpose, from any accumulation in the Treasury, a sufficient sum, and placing it at a few important and convenient points, to render a greater number of certificates redeemable there with the very coin whose representative they are intended and honestly ought to be." These views of the Secretary are referred to, and impliedly sanctioned, by the President in his Message. Now, sir, is not this apparatus, to all intents and purposes, a Government bank? The fundamental idea of a bank is an institution which "issues and circulates a paper credit, founded on a deposit of coin or other property, which paper credit is to answer the purposes of money!" This project fulfils every feature of the definition. The officers of the Government are to issue a paper credit in the form of certificates and drafts founded on a deposit of specie in the Treasury and sub-Treasuries, which paper credit is to answer the purposes of money, or a general "circulating medium." It is a remarkable coincidence that this scheme is the precise embodying of the outline given by General Hamilton in 1791, of what he describes and avows to be a bank—a Government bank. Such, I believe, is the tendency and virtual operation of the sub-Treasury scheme.

I ask gentlemen, then, if they are willing to organize a great moneyed machine like this, and put it, for all future time, in the hands of the Executive; if they are willing, in the form of a fiscal agency, to create a Treasury bank, with its ramifications penetrating every part of the Union, to be managed, directed, and controlled exclusively by Executive agents? To my mind it presents a fearful conjunction—realizing that union between the moneyed and political power of the country, which reflecting men have hitherto considered the most fatal of all devices to the liberties of the people. I have revolved

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the subject deeply and anxiously, and I can see but two possible issues to the scheme proposed. It will either terminate in a great Treasury bank, such as I have described, affording a fatal accommodation to the moneyed concerns of the country at the expense of its liberties, or otherwise failing in any degree to relieve the actual derangement of the currency—on the contrary, abandoning that currency to wild disorder and confusion; the people, finding the inconveniences of such a state of things no longer tolerable, will, with a voice extorted by their sufferings, call for a national regulator in the shape of an incorporated national bank! Either alternative is, to my mind, fearful and alarming; but, believing one or the other to be the destined result of the scheme proposed, I entreat gentlemen to pause and consider well the consequences of their decision.

I recur now, Mr. President, to the question more particularly involved in the bill I ask leave to introduce. I think I have shown, sir, that the exaction of the public dues in gold and silver, while the great mass of the circulation shall consist of bank paper, would be oppressive in practice; that it is anti-republican in principle, as drawing an invidious line of demarcation between the Government and people; and, especially, that, in the present circumstances of the country, it would indefinitely retard, if not render impossible, that resumption of specie payments by the banks which is the great and urgent object of the public solicitude. In considering the propositions which the occasion has brought forth, I have been strongly reminded of the words of a great man—of one born to serve and instruct mankind. Speaking of the province and duties of a practical statesman, that great oracle of political wisdom says: "A statesman differs from a professor in a university. The latter has only the general view of society; the former (the statesman) has a number of circumstances to combine with those general ideas, and to take into consideration. Circumstances are infinite, and infinitely combined, variable, and transient; and he who dares not take them into consideration is not erroneous, but mad, metaphysically mad. A statesman, never losing sight of principles, is to be guided by circumstances; and, judging contrary to the exigencies of the moment, may ruin his country forever." I ask, sir, is this the moment, when the country is weak and suffering, to subject it to the action of so violent a remedy (if remedy it can be called) as that involved in the proposition to collect the revenues in gold and silver? Does it show a wise regard to circumstances, at such a moment, when that credit system, under which the country has grown up to power and greatness, and with which, for the present, at least, its most vital interests are identified—at a moment when that credit system, thus incorporated with the country, has already sustained one of the severest shocks to which it has ever been exposed—is it wise and prudent, I say, to

introduce an innovation in the fiscal policy of the Government, which aims a fatal blow at that system, and all the wide-spread and diversified interests connected with it? The effect of this innovation, at the present moment, must be, as I have already shown, to fix upon the country, for an indefinite period of time, the curse of an irredeemable and depreciating paper currency, or otherwise to force, violently and prematurely, an exclusive metallic circulation, by compelling the banks at once to wind up their concerns. But what would be the consequence of thus compelling the banks precipitately to wind up their affairs? They have vastly more debts due to them than they owe. Compel them, then, to wind up, and you turn them loose, or rather drive them, in necessary self-defence, upon the community. According to the most recent and authentic statements upon the subject, the aggregate amount of debts due to the banks is between four and five hundred millions of dollars. Force them by your policy to collect this vast sum from the community, and what a wide-spread scene of desolation, embracing every class of the community, must ensue! The banks will press upon the importing merchant, the importing merchant upon the retail trader, and the latter upon his customers—the laborer, the mechanic, and the farmer. If the result of this desolating process should not be, in the language of Burke, "the ruin of the country forever," it would be, at least, to inflict upon it, causelessly and heedlessly, a blow, from which recovery could be effected only through long years of suffering and distress.

I stand here, Mr. President, as no advocate of the banking system. I have been the constant enemy of its abuses, the correction of which, by salutary and progressive reforms, I have steadily pursued, without aiming, however, at the destruction of the system itself, which the country has chosen to adopt, and under which it has hitherto attained a prosperity unparalleled in any age or quarter of the world. The measure I now offer to the consideration of the Senate is, in my humble judgment, one of the most effective reform. I have no interest whatever in banks. I do not own, never have owned, and never expect to own a single share of stock in any bank, nor do I owe a debt, even of the smallest amount, to a bank. I mention these things, not because I could suppose that other gentlemen, who might happen to be differently situated, could, in the slightest degree, be influenced by considerations of this sort. I deem too highly of the patriotism of my fellow-citizens not to believe them above all personal considerations, as I am sure all with whom I have the honor to be associated on this floor are, in pronouncing on great public questions, involving the interests of the country. I know, however, that there are ungenerous minds, which impute other principles of action to public men; and, following the example of the Senator from South

Carolina, who spoke yesterday, (Mr. CALHOUN,) I have thought it not improper to state what, from the nature of my pursuits, happens to be my situation in this respect. Those pursuits identify me by interest, as my feelings and tastes do by sympathy, with the great agricultural body of the community. I am under no bias to regard the interest of other pursuits or other classes of the community, except as I believe that, under our happy institutions, all pursuits and all classes are blended in one common interest, and must prosper or decline together. It is in this spirit, looking to the whole country and all its interests, that we shall, I trust, discharge our duties here. The occasion rises far above the narrow and fleeting interests of party, and demands the best exertions of all for the country. The measure which I have ventured to offer is one on which I have supposed all parties might unite, as all parties have heretofore united. Its effect, I persuade myself, will be both to revive confidence and to furnish security; and, with the language of encouragement and the pledges of a wise and stable policy, proceeding from the national councils here, we shall soon see our youthful and vigorous country rising from her momentary prostration, and, Antæus-like, gathering strength from her fall.

When Mr. RIVES concluded, he introduced his bill; which was read, and ordered to a second reading.

WEDNESDAY, September 20.

The Great Fire in New York.

Mr. WRIGHT, from the Committee on Finance, reported a bill for the relief of the sufferers by the great conflagration of 1835 in the city of New York; which received its first reading, and was ordered to a second reading to-morrow.

[This bill provides for allowing a remission of all duties already paid or remaining due, on all unbroken and entire packages of goods and merchandise consumed in the fire of New York; and it provides for a proportionate remission on packages which had been opened before the fire. Commissioners are to be appointed, consisting of the collectors and other officers in New York city, whose duty it will be to ascertain the amount of duties paid on packages destroyed by the fire, the names and residences of the sufferers, the amount of goods destroyed, &c. They are to meet in New York, and take testimony on oath respecting these particulars. No claim to be entertained which shall not be presented to the commissioners within four months of the opening of their commissions. The commissioners, on the completion of their investigation, shall make out their statement and send it to the Secretary of the Treasury, whose duty it shall be from time to time to receive and examine the statements of claims presented and admitted by the commissioners, and which shall

be subjected to his approval or disapproval. When the Secretary of the Treasury shall have made known his determination upon the claims presented, then the commissioners shall make out certificates of remission according to the amount remitted to the several merchants and claimants, and these certificates, signed by the commissioners, shall be received by the collectors and others as money in payment of duties, &c., to the full amount of the sums remitted. It is provided, however, that every individual receiving such certificates to pass in payment of bonds and dues, &c., shall give security in bond and penalty to pay double the amount of money remitted, with interest, if it should ever appear that the goods on which the remission is made were not in truth destroyed by fire. The commissioners are authorized to employ a clerk, whose salary, not exceeding \$2,000, shall be determined by the Secretary of the Treasury.]

Sub-Treasury Bill.

The bill imposing additional duties on public officers, as depositaries for receiving the public money, was then taken up in Committee of the Whole.

Mr. CALHOUN rose, and moved the amendment of which he had given notice on Monday he should offer to this bill; which having been stated to the Senate, it was, at the instance of Mr. WRIGHT, with the consent of Mr. CALHOUN, modified to read as follows, the passages enclosed in [] being those added by Mr. W.

"Sec. — *And be it further enacted*, That from and after the first day of January, eighteen hundred and thirty-eight, three-fourths of the amount due to the Government for duties, taxes, sales of public lands, or other debts, may be received in the notes of specie-paying banks; and that from and after the first day of January, eighteen hundred and thirty-nine, one-half may be so received; and from and after the first day of January, eighteen hundred and forty, one-fourth; and from and after the first day of January, eighteen hundred and forty-one, all sums due for duties, sales of public lands, or other debts to the Government, [and all payments to the General Post Office Department, shall be paid in gold and silver coin only,] or in such notes, bills, or papers issued under the authority of the United States, as may be directed to be received by law; [and from and after the first day of January, eighteen hundred and forty-one, all officers or agents engaged in the making disbursements for the United States or General Post Office Department, shall make all their payments in gold and silver only, or in such notes or papers as shall be authorized by law; and any revenue or disbursing officer neglecting so to do, shall be dismissed from his office, and forfeit all compensation which shall then be due.]"

Mr. NILES then rose and said: He considered the subject, viewed in all its bearings, in a constitutional, financial, and political aspect, as one of great importance, not inferior, perhaps, to any which, for many years at least, has occupied the attention of Congress. It was one to which he had given some attention, and on

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which he had reflected much; yet he should not probably have troubled the Senate with any remarks, had it not been for the observation of his distinguished friend from Virginia (Mr. Rives) in his speech yesterday. That Senator, in support of the bill which he had introduced for designating the public funds, which was similar in its provisions to the bill that passed both Houses of Congress last session, and which he (Mr. N.) and other friends of the administration then supported, made an eloquent appeal to himself and others to come out at this time in support of his present bill, or show good reasons why they could not do so.

Mr. N. said he would respond to the call; he could not support the gentleman's bill, but he would endeavor to give his reasons why he could not. He last session gave his hearty support to the bill referred to, which passed with great unanimity. He did so because he considered that bill as containing no new principle, and only carrying out what was then the established policy of the Government; it left the funds receivable for the revenue as they were placed by the joint resolution of 1816, but contained some provisions intended to operate as inducements upon the State banks to discontinue the issue of notes of the lower denominations. It was true the bill superseded the Treasury circular; and he (Mr. N.) was then disposed to do that, for the same reasons stated by the gentleman from Virginia; he also regarded that as a temporary measure, intended for a particular emergency, to arrest a special mischief. But he could not agree with the Senator in the opinion that the failure of that act, and the continuance of the Treasury order, was one of the causes which had contributed to the pecuniary distress of the country. He had, at the last session, supposed that the exigency which had called forth the order had passed off, but had since become satisfied that he was mistaken. Such had been the condition of the finances of the Government, and the monetary affairs of the country, that he was fully persuaded the order had exerted a most salutary influence, alike favorable to the Government and to the country.

It has secured the revenue received from the public lands, and reinforced the Western banks with specie, which has enabled them to sustain themselves, until the general storm came upon them, as it swept over the whole country. But had it not been for the operation of the order, the Western banks would not merely have suspended payment, but would have exploded months before they, in common with others, suspended payments. Another good effect of the continuance of the order was, that it had drawn specie from the banks all over the country, and thrown it into circulation among the people in the Western States, where he understood more specie was to be found in circulation than in any other section of the Union. And the specie which had been received for

the public lands had been an important resource to the Government in its present emergency.

Mr. N. said he gave his support to the currency bill because he did not then think the time had come to change the policy of the Government in respect to the funds in which the revenue was collected. Among the reasons why he could not go then with his distinguished friend from Missouri, (Mr. BENTON,) who so strenuously opposed the currency bill, was the important fact, that the entire financial concerns of the Government were then conducted through the agency of about ninety banks. It was, in his opinion, in vain to think to change our currency as long as we employed the agency of banks; as all public moneys deposited in them were immediately changed to bank credits. He then believed that, as a preliminary step to the collection of the revenue in specie, we must dispense with the agency of banks.

Sir, the late administration adopted a certain policy in regard to the finances of the Government, and he (Mr. N.) saw no occasion to change that policy at the last session of Congress; and the question on which he and the Senator from Virginia differ, is, whether the great changes which have since taken place, in the prostration not only of the deposit banks, but of the entire banking system of the country, the serious embarrassments to the finances, and the general derangement of the monetary affairs of the nation, require a change in that policy? Has the deposit bank scheme failed? The Senator from Virginia thinks not; he regards the present derangement as the result of temporary causes, some of which originated in the measures of the Government; he thinks that, notwithstanding a gust of wind may have capsized the deposit banks, they can be righted, refitted, and again put in service. But he (Mr. N.) thought the banks had failed in their duties both to the Government and to the public. They had proved themselves to be either weak or faithless agents, and perhaps both. They had suspended payment; they had been guilty of a voluntary act of bankruptcy, in a time of profound peace, and immediately following a period of unusual prosperity, (or what was so regarded,) and when they had in their vaults nearly thirty millions of the public funds. This suspension was entirely different from that of 1814, when the Government itself had been the principal cause of the vast and dangerous issues of the banks, by which they were broken down.

Whether the general and simultaneous failure of the banks was voluntary and fraudulent, as supposed by some, or a measure of necessity, arising from the over-action and imprudent management of those institutions, was not very material; in either case they must be regarded as unsafe depositories of the public revenues. They might answer in ordinary times, when we had a clear sky and smooth sea; when the commerce and finances of the country were stable and regular; but they could not be de-

pended upon in times of difficulty. And in the present instance they had failed and violated their engagements to the Government and to the public without any apparent cause, other than their own mismanagement. He would not charge the banks of having voluntarily been faithless agents; but he would say that they had violated their high and solemn obligations to the Government and to the public, without any reasonable efforts—he might almost say without any effort at all—to save their own credit and that of the commercial community. When the crisis came, mainly brought on by their own imprudent action, how did they meet it? Did they breast the storm with the hearts and nerves which the occasion called for? Did they make any reasonable efforts to weather it and save the country from the calamities which have overwhelmed it? Far, very far from this. If we look to the point where the extended line of banks first gave way—the city of New York—we shall discover the strongest evidence of cowardice or treachery. What stand did the banks make? How long did they sustain themselves against a run? The Bank of England, in 1825, sustained itself against a run for an entire year, and when a general panic prevailed. Why, sir, a frail concern having first given way, and been *docked*, some of the people, as was natural, became alarmed; but there was no general panic; a crowd gathered round the banks; they were not depositors, or persons who had means to acquire any considerable demands against banks; most of them probably were “boot-blacks,” “chimney-sweeps,” and “wash-women,” with a single bill each of the lower denomination; or perhaps they were of that class of citizens who are becoming very notorious of late—the *loco-focos*; the officers of the banks look out at their windows and see this formidable array of persons, all armed with their “promises to pay,” about to make an assault upon the banks. What is to be done? Can we make a stand? Can we defend ourselves against this formidable enemy? They did not, however, hesitate long, but, concluding that “discretion was the better part of valor,” they determined to shut their doors, and keep their creditors out. This was certainly a convenient mode of paying debts. At other places the shutting up of the banks was equally sudden; and, what is not a little remarkable, and calculated to excite a suspicion that something was wrong, is the fact that the suspension at New Orleans, Mobile, and other places, occurred a few days after that at New York, but before there could have been any communication. These facts are at least calculated to excite a suspicion that there was a previous understanding among the principal banks in the different cities that they were to suspend payment about the time the explosion took place.

But, however this may be, he would ask whether any one can believe that the banks made any reasonable efforts to sustain their own credit and that of the country? Can the

deposit banks, some of which possessed millions of the public money, which closed their doors and stopped payment under such circumstances, be regarded as faithful fiscal agents? Was it not the duty of these corporations to have attempted to sustain their credit, and to have paid out one-quarter or one-half of their specie before they shut their doors in the face of their creditors? If they had met the shock resolutely, and with a willingness to incur a sacrifice, who can say that they might not have gone safely through the crisis?

Whether, therefore, we look to the direct object of the deposit bank system, the safe-keeping and disbursement of the revenue, or the incidental advantage of improving the currency, it was (Mr. N. thought) not to be disputed that the measure had failed. The connection between the Treasury and the State banks is at an end; it has been dissolved by the banks themselves; and the only question now is whether it shall be renewed. He, for one, thought not.

Sir, said Mr. N., I have said all I propose to say in regard to two financial schemes, and it now remains for me to take some notice of the third, which the bill before us is intended to introduce. This last is characterized as a novel and untried experiment, although much older than either of the others. It is the system on which the ancient and most modern nations have conducted their finances; it is, at any rate, as ancient as 1789, as old as the constitution which we have all sworn to support and to regard as the rule and guide of our actions.

This plan consists of the employment of Federal officers to execute that portion of the Executive power which pertains to the keeping and disbursement of the revenue. This seems to be the natural course, and is, at least, recommended by its simplicity and conformity to the true spirit of the constitution. Can any one believe, on perusing that instrument, that its framers contemplated the agency of banks, either State or Federal, in the keeping and disbursement of the revenue? Has not the employment of banks from the first been a manifest departure from the plain and obvious course indicated by the constitution, and may not this departure be justly regarded as the source of all our financial embarrassments and difficulties?

But is the proposed system practicable? This is, perhaps, the most important question connected with the whole subject. Is there any thing in the constitution or in the nature of the fiscal duties of the Government, that renders the agency of banks appropriate and necessary? If that part of the Executive power which relates to the finances cannot be executed except by bank agency, then a system of banks becomes an essential part of the Government itself, and enters into its very elements. It becomes a bank Government, and cannot exist independent of banks in some form. And if it is not maintained that banks are absolutely necessary

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as fiscal agents, to insist that their agency is the most suitable and appropriate means of executing a portion of the Executive power, would seem to lead to the same conclusion, the same connection between the Government and banks. But those who profess to be opposed to a Bank of the United States, will do well to pause before they come to either of the above conclusions; for if the operations of the Government cannot be carried on without the agency of banks, or if banks are the most suitable and appropriate means for executing the powers relating to the revenue, does it not follow that we must have a Federal bank? Is it not apparent that to admit that bank agency is necessary in the management of the finances, is the strongest possible argument in support of a national bank? Sir, the two questions are identical; they are but one; for to say that a bank is necessary as a fiscal agent, is to say that we must have a national bank. This, sir, is a complete independent system of Government; it possesses within itself all the necessary functions of a Government. It is in no particular dependent on the States, so far as its own action is concerned; and least of all can it be in so important a function as that of its finances. If it has not within itself the power to manage its finances, then it is no Government; it is dependent on the States almost to the same extent as the old confederation, which had no power over a revenue but by requisitions upon the States. Has this Government any control over the State banks? Has it any right to command their services? And, in times of party excitement, might not many of the States prohibit their banks from acting as agents of the Government? What security can there be in a reliance on State institutions? Who control the banks and what is their spirit? Do they not present the embodied elements of aristocracy, and have they not usually been opposed to the Government, when administered by agents possessing the confidence of the great body of the people? Sir, there is no avoiding the conclusion, that, if bank agency is necessary, we must have a Federal bank, which we can control ourselves, or, at least, have a legal right to control. But no such agency is necessary. The proposed system is not only practicable, but natural and simple, and, Mr. N. did not hesitate to say, would be found, on trial, to be as convenient as the State bank machinery.

In the adoption of measures for the collection, safe-keeping, and disbursement of the revenue, Congress can take into consideration the effect which such measures may have on the general currency of the country. This is all we can do: we cannot directly interfere with the issues of the State banks. This incidental effect which may be produced by our financial measures, would naturally seem to be of secondary, but now appears to be regarded as of primary importance. Indeed, it is the real or supposed bearing of the financial measures of this Government on the general currency of the country

that attaches to them so deep and extensive an interest.

It becomes, therefore, important to consider how the proposed measure will affect the currency or the paper issues of the State banks. He thought that its influence would be very salutary, and that, in this respect, it would have a decided preference over either a national bank or the State deposit banks. It may, it is true, in some degree diminish the profits of banking; but the present system of paper money cannot be improved in any degree, however small, without the reduction of the profits of banking enters into the measure of reform.

What is the great evil of our paper system of currency? It is its instability, its irregular action, its constant tendency to the most ruinous expansions and contractions. This is a point about which there is no controversy; all agree in it. Will the proposed measure, then, tend to render the currency more stable and less fluctuating? If so, its influence must be highly salutary. One of its immediate consequences will be to create and keep up a demand for specie to the extent of the revenue and disbursements of the Government. This constant demand for specie will operate as a continued check and restraint upon the banks in the commercial cities; it will compel them to be more cautious in their issues, and to keep themselves more strongly reinforced with specie. The more cautious action of the city banks will tend to restrain the country banks. How considerable this restraining influence upon the banks may be, it was impossible to say; but, so far as it exists, it would be salutary.

It seemed, however, to be feared that the proposed measure would impose too great a restriction upon the banks; that it would diminish their ability and limit their operations too much. But this was not to be feared; the only danger was the overaction and the irregular action of the banks; this is their natural tendency; it results from the principles of the system, and is an evil which cannot be removed without a change of its principles. A bank of the United States, as he had already said, is now asked for, solely on the ground of checking and controlling the State banks; but when it is proposed to do this in any other way, that is regarded as an insuperable objection to the measure. How is this? Can State banks only be regulated by Federal banks, or is it a mere pretext that a national bank is wanted as a regulator of the State institutions?

But this constant demand for specie in the transactions of the Government will promote the general circulation of coin, and improve the whole currency; it will render our currency, in some reasonable degree, a mixed currency, instead of an exclusive paper one, as it now is.

But there will be other consequences affecting the currency, equal, and perhaps more important, than those named. The proposed system, should it be adopted, will occasion a complete and entire separation of the Government

from all banks. This is its distinguishing feature, and highest recommendation. This separation is not only important in a political point of view, but, if possible, equally so in its effect on the currency and the interest of the country. What have been the fruits of this connection? Sir, there is high authority on this point, which goes to show that it has been injurious both to the Government and the banks. Mr. Biddle, the President of the late Bank of the United States, who, in the opinion of some, is the greatest financier that now exists, or ever did, or ever will exist, has expressed this opinion. At the organization of the Pennsylvania Bank of the United States, in 1836, he congratulated the stockholders on the prosperous condition of their interests, the accumulation of a large surplus fund, and the purchase of a new charter, and boasted of the bank being "safer, stronger, and more prosperous than it ever was." He also adds, that "it was an original misfortune in the structure of the bank that it was in any way connected with persons in office. The instincts of all political power make that association dangerous—useful to neither party—injurious to both."

Sir, I repeat the question, what have been the fruits of this connection of bank and State? Let the experience of the country answer! He need not go back to the last war, when, in the negotiation of loans with banks to the amount of about fifty millions, at least fifteen millions of dollars were sacrificed by the Government. These loans consisted of exchanging the credit of the United States, which was vastly better than that of any bank, for the credit of the banks, at the rate of eighty and eighty-five dollars for a hundred. This occasioned the rapid enlargement of bank issues during the war, and led to the suspension of the banks in 1814, and to a long train of calamitous consequences, under which the country languished for five or six years. He had already alluded to these circumstances.

This connection has greatly increased the regular action of the banks, and stimulated their contractions and expansions. The first great and sudden expansion of the Bank of the United States, in 1817, was, in part, occasioned by the Government redeeming thirteen millions of its stock, then held by the bank, as part of its capital, which obliged it to loan it suddenly to individuals. The public deposits, as is well known, have always been used by the banks as the basis of discounts; and, as they increase and diminish suddenly, this produces a corresponding enlargement and curtailment of their loans.

In consequence of this unfortunate connection, as Mr. Biddle calls it, every measure of the Government, of a mere financial character, having no direct bearing on any commercial interest, has for years occasioned a disturbance in the monetary concerns of the country, which, under our credit system, are otherwise sufficiently unstable. Almost from the foundation

of the Government, this has been one continued source of clamor and complaint—of agitation, of fierce denunciations, and of curses loud and deep against the Government, from the commercial portions of the community. Cause or no cause for these complaints, for his present purpose, was of little consequence. He believed that, in general, such complaints had been without any just foundation; but he wished to remove the pretext for them, and effectually to remove all grounds of charging, upon the mere financial measures of the Government, the disturbance of the currency, and the derangement of the business concerns of the country.

The banks have become an element of political power, and the basis of a moneyed aristocracy. The whole system is one resting on monopoly and exclusive privileges, in derogation of the equal and common right of the people. Experience has also proved that the system is founded on unsound principles, and its rapid and dangerous extension in the last few years, and the serious evils attending it, have produced a very general conviction, embracing, probably, a large majority of the people, that the system cannot long be endured as it is; that it must either be reformed or abandoned. From dear-bought experience, this had become the general sentiment. But this reform cannot be effected here; we have no jurisdiction over the subject; Congress did not create the State banks, and it cannot unmake them, or reform the system. This belongs to the people and the States; let us leave it there; they have the power, and are competent to the task. The accomplishment of this important measure—one which at this time excites a deeper and more universal interest than has ever before existed in relation to any reform in our civil institutions—will no doubt be resisted, violently, desperately, by the whole combined moneyed influence of the country. The issue is already made up; it is a great issue; one which will be likely to agitate the public mind for twenty years to come. On the one side is the popular will, the great mass of the people; on the other are the banks and the moneyed power. On the one side (if he might use the language of the London banker's circular) is the aristocracy of wealth; on the other, the democracy of numbers. The struggle will be arduous, and probably long, but the result cannot be doubtful. At a time like this, and under such circumstances, is it proper for this Government to become a party in this contest? As we cannot do it directly, is it proper, is it right, for us to interfere indirectly? As we cannot assist in carrying out this great reform, all that he asked was, that this Government should stand aside. It cannot rightfully become a party to this contest. It cannot promote the reform; but it may retard it. Shall Congress interpose itself between the people and this great measure? Shall it take sides with the banks against the people? Shall this

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Government become the endorser and the backer of the State banks? Shall we, by our improper connection with them, encourage them to look to us to sustain themselves against the popular voice? Shall we unite and league them together, and thus add to their power by combination? Sir, let this Government stand aloof from this contest, and leave the banks in the hands of the States and people from whom they derived their existence, and to whom they are amenable for their acts, and by whose will they must stand or fall.

THURSDAY, September 21.

Sub-Treasury Bill.

The Senate resumed the consideration of the bill providing for the collection and custody of the public revenues, together with the amendment offered thereto by Mr. CALHOUN.

Mr. SMITH, of Indiana, said: Sir, this is a subject of great importance to the interests of the country, and one that has caused great anxiety in the public mind. It is therefore highly important that the whole matter should be laid clearly and fully before the people, that they may have an opportunity of judging for themselves on the merits of the propositions made here, both in favor of, and against, the views of the Executive. For my own part, it is sufficient for me to say that, if I know my own heart, I came to this body with a sincere desire to co-operate with the Executive Government in any measures which may benefit the people, or restore the national prosperity; and towards the individual now in the Executive chair, and the other officers of the Government, I have none other than the kindest feelings. But in relation to measures proposed for the benefit of the people, I hold myself at liberty to examine them fully and freely, without being controlled by those trammels which have been too often used to force men to act contrary to their own convictions. When I took my seat in this body, it was with a full determination to examine carefully for myself the various propositions that might be presented, and to decide upon them according to their merits. Sir, we were called on to aid the Government, because it is obstructed in the exercise of its ordinary powers. And when we were told that the Government required our aid, that it was embarrassed for the want of money, and that it was necessary for Congress to grant it supplies to aid in the course of its ordinary operations, I did not hesitate, nor did I even examine very closely the propositions in relation to the means of those supplies; but, knowing that they came from the Committee on Finance, founded on the estimates of the Secretary of the Treasury, without any hesitation I voted for the bill authorizing the issue of Treasury notes. I preferred the bill as it was, without striking out the provision for interest on the notes. I was not willing to resort to a temporary expedient,

such as issuing notes without interest, which, as heretofore, could serve only to delude the people, and end in disappointment, without any practical benefit.

The next bill in order was the one to postpone the fourth instalment of the deposits with the States. It may not be strictly in order, but as great latitude has been given to the debate, I beg leave here to give my reasons why I could not vote for that bill; and one of the strongest in my mind, was this: that the Government of the United States, through the medium of an act of Congress, had raised expectations on the part of the States which it ought not to disappoint. The States had prepared to receive the money; they accepted the proposition of the Government, proceeded to legislate on the subject, and many of the States appropriated the whole fund: some to the important cause of education; some to aid in their works of internal improvement; some in one way, and some in another, beneficial to the people. The States relied with full confidence on the receipt of the money; they had a right so to rely; and, although the facts may not strictly amount to a legal contract between the parties, it is certainly so nearly allied to one, that it would be doing the greatest injustice to the States and people to disappoint their just expectations, by withholding the instalment.

Again: It was admitted by the chairman of the Committee on Finance that, if the instalment was retained, being in paper, it could not be made available in aid of the necessities of the Treasury, as the Government would not use paper, and we would still have to authorize an issue of Treasury notes, and a loan of at least \$10,000,000. Why, then, withhold it from the States, who are willing to receive it in the very funds the Government rejects; and in many instances can accommodate the matter with their own deposit banks, beneficially to the Government, the banks, and the States?

But, viewing it as a question of inconvenience between the Government and the States, how stands the case? It would certainly be much less inconvenient to the Government to add the amount of the instalment to the amount of the loan she is compelled to make, at all events, than it would be to the States to lose the benefit of the money at this time. These, sir, are some of the reasons that induced me to vote against that bill. I thought it but justice to myself to state them, as I gave a silent vote on that occasion.

[Mr. Smith then spoke at much length upon the state of the country, the causes which produced it, and the necessity and advantage of a national bank; and then continued his speech on the bill before the Senate.]

I come now, Mr. President, to speak of the bill before the Senate, known here as the divorce bill. I was opposed, as I have told you, to the original divorce; I was still more opposed to the object of your then choice; and had

I been here, in the name of my country I would have forbidden the bans. But you married, and I now find the groom, and nearly all the wedding guests, in favor of another divorce. Sir, upon principles of common law, you are not entitled to it; you winked at—nay more, you seduced your bride from the path of virtue; and you ought not to be allowed to take advantage of your own wrong. But, sir, I am ready to confess that I am much more opposed to the object of your third union, than I am to a separation from the darling of your second choice.

Sir, this sub-Treasury scheme of divorcing the Government from the banks and people is, in my mind, the most alarming proposition that has ever been presented to the American people. In vain did our revolutionary sires shed their blood in the contest for liberty; in vain did the sages and patriots of that eventful epoch contend for the glorious privileges which we enjoy, if, at this day of the republic, we are to surrender up to the Executive, and to his immediate advisers, the liberties of this great people. Sir, when the patriot daily sees the immense powers claimed for, and exercised by, the Executive, has he not just cause for alarm? The veto power is his; the army is his; the navy is his; the appointing and removing power of all the inferior officers of Government is his; the sword is his; and he now asks for the purse. Shall we give it to him? Shall we surrender up the treasures of the nation—the hard earnings of the people—into his hands, as is proposed by this bill? Never, Mr. President, with my consent—never, never. I speak not with reference to the present Chief Magistrate. I am discussing this matter upon principle. Sir, I have reason for alarm, when I see the other powers of the Government surrendered up, one at a time, either before or after the exercise of the veto, to the will of one man. How can I forbear to look with jealousy and alarm at a power so inordinate in its desires, and so engulfing in its effects? This bill, sir, surrenders up the remnant of power which we had still left with us. I object to it because of the vast increase of Executive power and patronage it confers, first, by giving up the sole control of the revenues of the nation; and, secondly, by the vast increase of officers it authorizes. In addition to the land and custom-house offices now in existence, it will be necessary to establish a great many more as sub-treasuries; add to these the twelve thousand post offices, all of which are to be little treasuries, and, sir, then come the visitors and examiners of these offices—as the bill requires an examination once, at least, each year—and you have an army of officers traversing every part of the country at the bid of the Executive, paid from the public moneys by the President, and bound, upon pain of dismissal from office, to obey the Executive or party fiat. Sir, I am unwilling, by any vote of mine, to contribute to this result. But, sir, will the public money be safe? This is a question of great importance. Experience

tells us that it will not; and, my word for it, when it shall have been tried to the satisfaction of those who are now pressing it upon us, the defalcations will be found a much more formidable item in the unavailable funds than what appears against the national bank. But, in addition to this, you give up the bonus paid by the United States Bank. You give up the advantages resulting to the country from a well-regulated currency and a wholesome state of the exchanges, and you pay not less than \$100,000, annually, to carry on the “expedient,” without one countervailing benefit.

Sir, there is another objection to this measure more formidable, in my mind, than any of those I have attempted to urge. You propose to separate your fortunes from the destinies of the great body of the people; to make this Government, which I have always understood to be a Government of the people, an alien to their interest; you propose to give the Government and its officers gold and silver, and leave the people to struggle on with such a currency as the States may furnish. Sir, I know this people love the Government; I am not unapprised of their deep-rooted devotion to the institutions under which they live. Have they not on all occasions, in times of peril, when the existence of the nation was threatened by a hostile foe, rallied to the standard of their country, and laid down their lives a voluntary sacrifice on the altar of liberty? And shall they then be told, in times of difficulty and embarrassment, that this Government will take care of itself—that it has no power to assist the people—that it will provide for its own officers the precious metals, although the consequence may be ruin to the people? Sir, let those who are pressing this matter upon them not presume too far. It is not your parchment roll, called a constitution, that holds this people together; it is a supposed community of interest; and whenever you shall satisfy them that the Government of their choice has no common interest with the people, the governed, that moment they will lose all attachment to the constitution, and either dissolve themselves from a Government of requisitions and burdens, and not of benefits, or they will seek redress in a change of rulers. Sir, I am no prophet; yet, judging from the voice you have heard from the West, and the responsive echoes from the East, if you carry these measures, in the course of my senatorial term of six years you will see these tables turned, and a confident majority reduced to a harmless minority here; and in that event—mark my words to-day—you will hear a voice long and loud coming from that minority crying for another divorce from the evils of this measure. I hope in this I may be mistaken; but such are my opinions of the evil consequences which must result from this measure, that I hazard the opinion.

But, sir, as the representative in part of one of the Western States, I protest against this

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measure as being of the most noxious character to our interest. Does not every Western man see that its practical effect must be to drain all our specie from us, through the land offices and post offices, and expend it here and on the Eastern waters in the creation of a navy, breakwaters, light-houses, fortifications, &c.? Since you have abandoned the doctrines of internal improvement, we have no objects for national expenditure, except, to be sure, the Cumberland road; and the expenditure on that is a drop in the bucket when compared with the amount received by the Government from the people of the State. Again: I object to this bill as being wholly illusory, and presenting a false issue to the people. It is not a question now, whether the people will have specie or paper in their common business transactions. This Government has no power over the State banks; they are the creatures of the Legislatures of the different States; and whether this bill passes or not, the people of the States will have a paper currency: and the true question for them to decide is, whether they prefer a local paper exclusively, or whether they would prefer a national paper of universal circulation, controlling the State issues within wholesome bounds, and convertible into specie at the will of the holder.

Sir, let us examine for a moment the consequences that must necessarily result from any measure, at this time, reducing the property of this nation to a metallic value. Would it not at once amount, in effect, to a confiscation of at least two-thirds of the property in the country? Would it not increase, as two to one, the debts of the people? And how, let me ask, do gentlemen suppose the debtors—either merchants, banks, or people—can pay their debts, if specie should be required? Property must come to the hammer of the auctioneer; and the sacrifice would create ruin, wide-spread ruin. Sir, I would rather see a foreign army in your country, than to see the property of every debtor brought to the hammer on a specie demand. The desolation would be far less. Innocent and unoffending families, who are in supposed affluence to-day, would be beggars to-morrow; thrown upon the cold charity of an unfriendly world. Sir, I cannot see it. I would avert it if I could. But, if gentlemen will go on, let them take the responsibility. The Senator from South Carolina (Mr. CALHOUN) told you that the disease was debt, and he knew of no cure but to pay it. This may be true; but does not that Senator know that it is in vain to tell men to pay their debts, if you take from them the ability and means of payment? If you render the property with which they might pay valueless, how do you expect them to pay? Do gentlemen suppose that there is specie enough in this nation to pay the one-fourth of the debts, independently of answering the ordinary medium of circulation? If they do, I can only say that they have surely not examined the subject.

Mr. STRANGE, of North Carolina, rose and said:

Mr. President: That our country is now in a most extraordinary and interesting crisis seems to be conceded on all hands; and the public mind is greatly distracted as to the causes of this crisis, its nature, and the course it behooves Congress to pursue under it. In this state of things, every man to whom a high trust is committed in relation to these subjects, and especially each member of this body, ought openly and frankly to offer his views and opinions concerning them. By public opinions all the measures adopted by Congress must ultimately be tested; and, that public opinion may have fair play, and our constituents an opportunity of judging of the fidelity of their representatives on every measure so important as the one under consideration, the reasons which have determined them should accompany their votes. It is this consideration that impels me to ask the attention of the Senate on the present occasion; for I know full well that I might as well address the marble pillars which surround us, as this honorable body with any reasonable hope of bringing conviction to a single mind. But I am solicitous that public opinion should be sound in the State which I have the honor in part to represent; and while I bring my own opinions in review before my constituents, I shall make an effort, feeble though it may be, to furnish them with the reasons on which they are founded.

[Mr. Strange then took a brief view of the causes and nature of the present bank suspensions; and continued:]

I have now adverted to the causes and nature of the present crisis, matters in themselves of little consequence, and altogether inadequate to the time they have consumed, except so far as they may assist us in the determination of the third question, namely, what it behooves us to do in the present exigency. The evils we have seen are twofold: first, to the United States Government as a body politic, affecting its vital principle, the very current of its existence, its fiscal soundness; secondly, to the individuals, or some of them, composing the nation, in blasting their present pecuniary prosperity and their hopes for the future. These it behooves us to consider with a due sense of our responsibilities, and, if in our power, to provide for them a remedy. And here permit me to remark that the President has been most unjustly accused of having recommended nothing adequate to the occasion; of having indicated no relief for the sufferings of the people. Will no relief be found, I ask, in the emission of \$10,000,000 in Treasury notes to be thrown into circulation? If the wants of a sound circulating medium be part of the distress, will it not be thus supplied to the amount I have mentioned? And will it not be farther beneficial in infusing more vigor

into the whole mass of the circulating medium, in increasing the proportion of undepreciated currency to that which is already depreciated? Is there no relief in extending for four, six, and nine months, the credits upon the duty bonds? Is there no relief in giving to the deposit banks additional time for settling the balances they owe? Let not gentlemen say, because the relief does not tally with their own unreasonable expectation, that therefore no relief at all has been extended. Great relief has, in my humble judgment, been afforded, and all that I think could in reason have been asked. But our first inquiry is, what it behooves us to do in reference to the revenue. And it is evident that the first thing is to make immediate provision for the supply of the exhausted Treasury, and put aside such claims as, in the present state of things, ought not to be made upon it. This, so far as the action of this House is concerned, has already been done in the passage of the bills for the suspension of the fourth instalment to the States under the deposit law, and the emission of the \$10,000,000 in Treasury notes, as before mentioned; and it is next to be decided what course shall be taken to avert, if possible, a recurrence of the present catastrophe to the revenue. For this three plans are presented to our consideration: First, a national bank; secondly, a continuance of the present deposit bank system, with some modifications; and, lastly, the plan recommended by the President and Secretary of the Treasury, and proposed by the Committee on Finance, of an independent Treasury.

I have suggested objections which present themselves to my mind, to two of the plans: and the question may be asked—and it is proper it should be answered—whether any of them apply to the third and only remaining alternative measure? and my response is, no. It is not, like the United States Bank, at war with any declaration of public opinion. To that ordeal it is yet to be submitted, and I am well content that it shall be brought to so just a standard, and that it shall be pressed no longer than it is found in accordance with it. It has no hostility from the Executive to encounter; for it is his own offspring, and he stands pledged to give it a fair chance for existence. It implies the assumption of no powers not clearly granted by the constitution; and whether expedient or not, is the only question for which, I trust, before I have finished, I shall have succeeded in making at least a show of probability. It has never failed; for, so far as this Government is concerned, it is yet a matter of trial, and we are doomed to hear, in relation to it, the cry of experiment! experiment! until the ear aches with the sound. Like every thing human, it is liable to mal-administration, and of course to failure; but it carries within itself no principle of inevitable fallibility, like the banking system. Scattered as your treasure will be, under it, from one end of the continent to the other, it will not be likely to meet with

any co-extensive agent of destruction; and, although some inconsiderable rill may be dried up here and there, the great river of your revenue will be supplied from others, and flow on copiously and freely. Times of difficulty will not disappoint you in the use of your fund in hand, for it will be in the solid metals—the most unchangeable and indestructible of sub-lunary things—and therefore so fitly chosen as standards of value. Being in the hands of the immediate agents of the Government, no party combination can be strong enough, without an actual revolution, to divert it from the use to which the people, through their constituted representatives, shall think proper to direct its application, and thereby subject those representatives to other domination than that of the will of their constituents, constitutionally expressed. Neither can any great difficulty be interposed by those who may be your depositaries, in the way of delivering it up. There will be no middle man to stand between the actual custodian of the money and responsibility; there will be no community to back him in contumacious refusal to comply with his duty; no real or fancied inability to meet your demands can be offered in extenuation of neglect; no honest men, unconsciously enlisted by interest, by gratitude, by innumerable insidious appeals to ardent natures, be induced to step forward, and oppose their bodies to the execution of the laws. No party spirit can be rallied in behalf of the delinquent. No shout of party triumph will be heard to animate his soul to bold defiance; but he will stand alone, a conspicuous mark for that approbation which fidelity is sure to win, or the sober condemnation which is as certainly visited by enlightened public opinion upon a faithless or factious public servant.

The plan is recommended to us by its simplicity, according in this with the whole genius of our institutions. One main object of our political forefathers was to deprive Government of all that mysticism with which kingcraft had invested it. It was intended that our system of Government should be so simple that every citizen (as all take part in its action) should be capable of comprehending it; that whosoever could read, or hear read, our excellent constitution, should understand its meaning, and be able to judge of the fidelity of those to whom its administration was committed. The simplicity of this plan, then, is in beautiful conformity with the rest of the system of which it is intended to constitute a part.

But it has the decision of time in its behalf. For aught we know to the contrary, it has been substantially the practice of all Governments, except our own, up to the present day. To various modifications it has doubtless been subjected, but, even in England, wide space is kept between the exchequer and the bank.

But although the Government, whether united or not to the banks in her fiscal operations, can do but little legitimately towards

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regulating their paper currency, she can, by that union, do much to inflame the evils, and, by so doing, work much injustice. She can by that union greatly increase the credit of those institutions, and give a wider circulation to their paper issues, and in this way increase what are called mercantile facilities. The Senator from South Carolina has illustrated this matter by a figure so strong and forcible, that it could not fail, I think, to have brought conviction to all who heard him. Yes, sir, take the beggar from the street, and stipulate with him that nothing but gold and silver and his notes will be received in payment of debts to this Government, and Cræsus himself was never richer than he would instantly become.

The Government, I have already said, cannot continue her connection with the banks without stimulating them into factitious credit, and increasing the tendency to commercial and speculative enterprise, which is already great enough, Heaven knows, and subtracting from the laboring and productive classes, the real bone and sinew, the true human *matériel* of the country. This is too obvious, and the mischief too great to require elaboration. But besides this, extravagance will be the natural offspring of the system. We have already seen the tendency of this evil to increase; and increase it will under the continuance of the system, until republican simplicity will be annihilated among us. Extravagance, and its companion, idleness, were the overthrow of all the ancient republics; ay, and of the modern ones, too; and little San Marino shines forth a phenomenon for admiration, saved from the wreck which has overtaken others, by her poverty and parsimonious economy.

The union of the Government with the banks, is calculated, I have said, greatly to influence the natural evils of the banking system. Some of them I have already mentioned; but one remains for me to advert to, not among the least, if not the very greatest. This is the mischief of sudden expansions and contractions. To this mischief no one can be insensible, for all have in one way or other felt its force. It has a tendency to make us a nation of gamblers, by the constant stimulus to that spirit which finds a place in almost every bosom, from the savage to the sage, and which it is one of the great objects of a wholesome education to subdue. But the frequent and sudden reverses to which every man is exposed, of being rendered a nabob to-day by an expansion, and a beggar to-morrow by a contraction, must, in process of time, engender all that loose morality which characterizes the professed worshippers at the shrine of fortune. Such is the effect upon holders of property; and upon the laboring man it is, if possible, still more baneful; for him there is no hour of prosperity, but he suffers greatly, if not equally, both in the ebb and flow of the tide. In a contraction, money of course becomes scarce, and the laborer, whose only commodity is his labor, is compelled to

bring it daily into the market, and take whatever price it may command; while the holders of provisions, less limited in point of time for the conversion of their commodities into money, hold them back, not willing to submit to the diminished prices, and in the mean time the laborer must starve, or buy at the price demanded. On the other hand, when an expansion takes place, and money becomes plenty, labor is the last thing to find the level. The continual necessity which the laborer is under to bring his commodity into the market, prevents any competition in demand, and it is not until the general spring which is given to enterprise has opened for it new resources, that an increased demand for labor makes an increase in price. In the mean time the laborer must purchase those commodities upon which speculation is most apt to seize—the necessities of life. It is impossible for the Government to remain connected with the banks without contributing to this mischief; for when the supplies exceed much the necessities of the Government, they must lie in the banks, whose directors must resist the strongest, or, at least, most general passion of the human heart—cupidity—if they suffer them to remain unused, and in using them, an artificial expansion of the currency is of course created. On the other hand, when the Government shall find it necessary to make heavy drafts upon the deposit banks, a great contraction is the inevitable consequence. These are evils which the Government cannot prevent, but she should abstain, as far as possible, from exciting them; and this she can do only by disconnection.

When Mr. STRANGE had concluded his remarks,

On motion of Mr. TALLMADGE, the Senate adjourned.

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Sub-Treasury Bill.

The Senate then resumed the consideration of the bill providing for the collection and custody of the public revenue.

Mr. TALLMADGE said: Mr. President, I have bestowed upon this subject all that reflection which is due to it, from the high source from which it emanates. Every consideration, both personal and political, would incline me to its support, if my judgment could be satisfied that its adoption would promote the great interests of the country. Natives of the same State and of the same county, the President and myself have been, from my first entrance into political life down to the present time, on terms of intimacy. In his political career he has on all occasions received my cordial support. It has been my fortune to be placed in situations, at certain trying periods of his history, which have enabled me to render him "some service." It is with no ordinary sensation, therefore, that I find myself constrained, by higher considera-

tions than those of political attachment or personal friendship, to differ from him on the question now before us—considerations of public duty which involve the public weal. But, I have the satisfaction to know, that he neither expects nor desires me to support this or any other measure merely because it bears the stamp of an Executive recommendation. In submitting this sub-Treasury system, the President has only obeyed an injunction of the constitution, which he is sworn to support, and which declares that “he shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.” This is one of those measures—the President has discharged his duty in recommending it to our consideration, and I trust we shall discharge ours by giving to it that calm investigation and free discussion which are so well calculated to produce correct results, in regard to measures that involve the great and vital interests of the people.

The President himself anticipated much diversity of sentiment on this subject. He anticipated also that Congress might, in its wisdom, adopt some other system; and he gave the assurance of his co-operation in any other plan which might be “ultimately established.” He says:

“With these views, I leave to Congress the measures necessary to regulate, in the present emergency, the safe-keeping and transfer of the public moneys. In the performance of constitutional duty, I have stated to them, without reserve, the result of my own reflections. The subject is of great importance, and one on which we can scarcely expect to be as united in sentiment, as we are in interest. It deserves a full and free discussion, and cannot fail to be benefited by a dispassionate comparison of opinions. Well aware myself of the duty of reciprocal concession among the co-ordinate branches of the Government, I can promise a reasonable spirit of co-operation, so far as it can be indulged in without the surrender of constitutional objections which I believe to be well founded. Any system that may be adopted, should be subjected to the fullest legal provision, so as to leave nothing to the Executive but what is necessary to the discharge of the duties imposed on him; and, whatever plan may be ultimately established, my own part shall be so discharged as to give to it a fair trial and the best prospect of success.”

I trust, then, that the friends of the administration will view this question as one of expediency, and not suffer any difference of opinion between themselves to become a difference of principle upon which they are to divide. If it be not so viewed, who will take the responsibility, and who will vouch for the consequences of a contrary course? It is a subject on which men may honestly differ; and it is for that reason amongst others, that such difference should be expressed with perfect frankness and with the utmost freedom. My mind has long been made up against it; and the reasoning of the

Message, whilst it has not convinced me to the contrary, has only served to confirm my previous opinions—I am therefore bound to say, from a sense of the most imperative duty, that, in my judgment, this measure is fraught with more mischief than any scheme which has heretofore been broached in reference to the finances of the Government and the currency of the country. In saying this I certainly intend none other than the most profound respect for the distinguished individual who has, in an official form, brought it to our notice.

The banks are now as able, with the aid and confidence of the Government, to perform all the duties required of them as they were before. We have the testimony of the President and the Secretary of the Treasury that they performed them as well as the Bank of the United States. They are capable of doing the same again in the same way. I am not, therefore, prepared to say that, on account of the calamity which has befallen the country, the experiment has failed, and they ought not to be employed a second time. No, sir; such a catastrophe may not occur again in the course of a century. One reason assigned for it now was the existence of an enormous surplus in the Treasury. This cause is not likely to exist hereafter, for every man is willing to bring down our receipts to the measure of our wants; and under that, as a general rule, such a catastrophe might never happen again. The banks have abundance of means to meet all their engagements. Such being the case, all that is necessary is, to create confidence, to restore confidence, and they will be found able to perform all that is required of them. Let that confidence be extended to them by the Government in good faith, and let them be placed on their former footing. Let the Government pursue a system which has been tried, and which we know will prove effectual, instead of attempting an “untried expedient,” the disastrous consequences of which cannot be anticipated, and which, I fear, imagination can scarcely depict.

This new experiment consists in a “divorce of bank and State.” This is a mere catchphrase, which was originally introduced by artful and designing politicians to impose upon the credulity and honesty of the people. Many have adopted it without reflecting or inquiring as to its import, or its consequences. First impressions are favorable to it; it summons to our recollection our early impressions of a “divorce of church and State.” But it is the duty of wise statesmen and discreet politicians to consider well the evils which must follow the adoption of any system heretofore untried and of doubtful policy, however euphonious the phrase may be which designates its character before the people.

The proposition contained in these few catchwords, strikes at the very foundation of the credit system of the country. It does not stop with the destruction of bank credit, but strangles, in its withering grasp, commercial credit

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also. It establishes a depreciated paper currency for the people, and an appreciated specie currency for the incumbents of office, and for Government contractors. It gives the baser currency to the master, and the "better currency" to the servant. In a Government like ours, it is impossible long to preserve our institutions or our liberties, if such distinctions are to prevail. It separates the Government of the people from the people themselves, as if those whom the people have chosen to direct their affairs were of a superior order, or distinct class in society, endowed with peculiar privileges beyond the rest of the community. It has a tendency to alienate the affections of the people from the Government. They will come to consider it not as a Government identified with their feelings and interests, but as something foreign to them. This is not all. The Government itself will lose in a measure, the idea of dependence on the people. This want of dependence is too much felt already. Put this additional power into its hands, and the identity of interests which exists, or ought to exist between them, is done away.

The Senator from North Carolina (Mr. STRANGE) admits that the people will, under this system, have a depreciated currency, whilst the Government will enjoy the benefits of gold and silver, whatever they may be. But he says they make that currency for themselves—they need not take it except at their own option. Sir, it is the common ordinary currency of the country. It has hitherto been good enough for the Government, for the people, for us all; but now, by your own act, you depreciate it, and, after making it the worse currency, you leave it to the people, and take the gold and silver to yourselves! The result is, that you give to the servants of the country a kind of money worth more than the people's currency. You isolate the Government, so that it becomes no longer a part of the people. You reverse the relation which has always existed between them: the Government becomes the master, and the people become the servants. By this means, the salary of every officer is raised several per cent., according as specie is more valuable than paper; and this difference, too, created by your own act! Sir, it is a distinction which will not be tolerated; and those who undertake to make it, will find, in the end, that they have presumed too far on the want of intelligence, and on the subservency of the people of this country.

But the project does not stop here. It does not merely give to the people a depreciated currency, but, by-and-by, they will be deprived of any currency which will be adequate to carry on the business of the great and diversified interests of this community. Under this system, the specie of the country will be drawn from circulation, and from the vaults of the banks, where it is the basis of circulation and of confidence, and deposited in these sub-Treasury vaults, till the country is left without a

sufficient circulating medium to transact its ordinary business. The farmer, the merchant, the manufacturer, and the mechanic, will be unable to command the means to pursue their ordinary avocations, no matter what their property may be. They may be rich in houses and lands, in goods and merchandise, in manufactures and machinery, in materials, in tools and implements of trade, nay, they may possess the best of bonds and mortgages, and every species of stock which has heretofore been deemed equivalent to money, and still they will be unable to carry on their ordinary business for want of a circulating medium by which to transact it. Credit is the poor man's capital, as well as the auxiliary of the rich. Deprive him of this, and his habits of industry, his character for probity, his good name and reputation avail him nothing. He has no means by which he can rise above the ordinary occupation of a day laborer. With a growing family, and the increased expense of living, he is doomed to abject poverty, without the slightest hope of ever gaining that standing and that condition in society which a "well-regulated credit system" always holds out to the enterprising, the honest, the industrious portion of the community.

Sir, I was surprised to hear the Senator from North Carolina (Mr. STRANGE) condemn our whole banking system as an utter absurdity, and which he predicted would be looked upon by those who come after us with as much astonishment as we look upon the South Sea bubble. In this enlightened age, at this late period of our history, after what we have seen of the effects of the credit system upon the country, with the evidence of our own senses, and the testimony of all Europe in favor of it, I confess my amazement at hearing such sentiments uttered on this floor. I have no language, consistent with the high respect which I entertain for that honorable Senator, (Mr. STRANGE,) to express my astonishment; and I, therefore, can only say,

"'Tis *Strange*, 'tis passing *Strange*!"

The tendency of this scheme is to bring the country, virtually, to an exclusive metallic currency. Whatever gentlemen may say on this subject, this wild and visionary theory is gaining ground with a certain portion of our population. It is propagated by reason of the countenance which it is supposed to receive from men in high places. Meetings have been held in New York and elsewhere, at which an exclusive metallic currency has been resolved on as the only true policy. All paper money of every description has been repudiated, as contrary to the genius of our Government and the spirit of our institutions. In the same resolutions, men in elevated stations have been applauded by name for maintaining the same doctrines. The proceedings of such meetings have been responded to in terms of approbation, thereby tacitly acquiescing in all the principles set forth in them, and thus giving currency to

them with the people. It is the belief that such principles are recognized by those to whose approval they are submitted, that excites the alarm and apprehension which pervades the rational and thinking portion of the community. It is this, too, which gives countenance to the idea that the sub-Treasury scheme is intended to bring about an exclusive metallic currency.

Gentlemen are very anxious, apparently, for this divorce, as they are pleased to term it. I would remind them, however, that whilst they are talking of a divorce, they are getting up an incestuous union between members of the same family—a marriage which is unlawful; and which I would say comes within the Levitical degrees, and therefore ought to be forbidden.

This union which is now proposed is a most unsafe and dangerous one. It reminds me of an anecdote of a captain of a packet with whom I was acquainted, who informed me that he always found it indispensably necessary, for the safety of his ship's stores, to have his cook and his steward of different families, and if possible of different colors, and if he could get up a fight between them, it was all the better; for if they were connected together in a common bond of interest or affection, the stores were apt to be wasted. So here, I think our stores, the stores of the ship of State, will not be safe, if a union take place between the Government and the public Treasury, which ought to be separated in different sets of hands, and those, too, antagonist hands.

The officers to be employed under this system, so far from being antagonist to the Government, are officers appointed by the Government, entirely dependent on it, and who may be removed by its fiat at any moment from their offices. There is positive danger in the scheme. All the deposits of the public money, all the Treasury, together with the other Executive powers, will now be united in the same family, and in the same hands. I see no security, but absolute insecurity, absolute danger, in the proposed system. But let us consider the chances of security which the system offers for the safety of the public moneys. The Senator from North Carolina tells us the public funds will hardly fail to be safe, for if the officer should appropriate them to his own use, he may be hung up by the neck until, to use the forcible repetitions of that gentleman, he is dead, dead, dead! What security is there here, sir, when the money is already gone? Will the dead body answer any of the purposes of security? Or does the gentleman really imagine that the penalty of death itself will prevent the possibility of defalcation? Does not the experience of all countries show that the severest penalties do not operate as preventives of crime of any kind? We have only to look to our own country for illustrations of the insufficiency and insecurity of the proposed system. What, for example, is thought to be the best system for the collection of the tolls on the New York canals. It is the system of deposit

with the banks. The money is rapidly brought into the banks, and the least possible means are left in the power of the collectors. The great mass of the funds collected are therefore always on deposit in the banks, which credit the Government with the amount. It is owing to this system of removing responsibility for such large sums of money from individuals, and reposing it upon banks, that from the very first period of the formation of the canals down to the present moment the State has not lost one single dollar of the canal funds, though millions and millions have been collected. If the system were proposed in the State Legislature to take the personal responsibility of the officers employed in the collection, together with security, such as is proposed to be done by the present scheme, it would not be able to command a single vote! How then can it be here maintained by gentlemen that such an objectionable plan, rejected altogether by prudent and experienced legislators, is the best plan, and ought to be adopted? There is a law now on the statute book that certain disbursing officers shall deposit whatever public funds come into their hands, in the bank nearest to them until required to be paid out. Whence comes the necessity of such a law? why does the law exist, if penalties and securities make the money as safe as when deposited in the banks.

Every fact goes against the system as proposed by this bill, and at the same time every fact goes in favor of the system which it is now suddenly proposed to cast aside! Can it be possible that gentlemen wish to expose the Treasury as it will be exposed by this scheme? I do not wish to disparage our public officers or those who may be employed under this system. But, I look at human nature as it is. I look at the temptations to which they are exposed. The confidence of individuals in their own integrity may be unbounded, and they will never suspect it till put to the test of such temptations as will be presented under this system. I mean no unnecessary or improper disparagement when I say, I have no faith in the safety of the public money if this scheme goes into operation. There is danger in every stage of it. And no opportunity will pass unimproved where the temptation is sufficiently presented. There is no safety in it.

"You may as well spread out the unsunn'd heaps
Of miser's treasure by an outlaw's den,
And tell me it is safe, as bid me hope
Danger will wink on opportunity."

Mr. BENTON rose to offer the aid of his voice in favor of the amendment, and in favor of the bill to which it was proposed to be attached. He considered the amendment and the bill as one measure, indissolubly connected in their nature; and that the bill would be of little value, unless the amendment was made. There might have been some difference of opinion as to the time and mode of adopting the provisions contained in the amendment—whether it should be done at this session, or at the next;

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and whether it should be effected by an amendatory clause, or by a separate bill. There might have been room for difference of opinion on these points a few days ago; but, since the amendment is offered, and opposed, it must be carried, or the bill itself considered as lost.

The bill is to divorce the Government from the banks, or rather is to declare the divorce, for the separation has already taken place by the operation of law and by the delinquency of the banks. The bill is to declare the divorce; the amendment is to exclude their notes from revenue payments, not all at once, but gradually, and to be accomplished by the 1st day of January, 1841. Until then the notes of specie-paying banks may be received, diminishing one-fourth annually; and after that day, all payments to and from the Federal Government are to be made in hard money. Until that day, payments from the United States will be governed by existing laws. The amendment does not affect the Post Office Department until January, 1841; until then, the fiscal operations of that department remain under the present laws; after that day they fall under the principle of the bill, and all payments to and from that department will be made in hard money. The effect of the whole amendment will be to restore the currency of the constitution to the Federal Government—to re-establish the great acts of 1789 and of 1800—declaring that the revenues should be collected in gold and silver coin only; those early statutes which were enacted by the hard money men who made the constitution, who had seen and felt the evils of that paper money, and intended to guard against those evils in future by creating, not a paper, but a hard money Government.

I am for this restoration. I am for restoring to the Federal Treasury the currency of the constitution. I am for carrying back this Government to the solidity projected by its founders. This is a great object in itself—a reform of the first magnitude—a reformation with healing on its wings, bringing safety to the Government and blessings to the people. The currency is a thing which reaches every individual and every institution.

Great are the evils, political, pecuniary, and moral, which have flowed from this departure from our constitution. Through the Federal Government alone—through it, not by it—two millions and a half of money have been lost in the last four months. Thirty-two millions of public money was the amount in the deposit banks when they stopped payment; of this sum twenty-five millions have been paid over to Government creditors, or transferred to the States. But how paid, and how transferred? In what? In real money, or its equivalent? Not at all! But in the notes of suspended banks—in notes depreciated, on an average, ten per cent. Here then were two and a half millions lost. Who bore the loss? The public creditors and the States. Who gained it? for where there is a loss to one, there must be a

gain to another. Who gained the two and a half millions, thus sunk upon the hands of the creditors and the States? The banks were the gainers; they gained it; the public creditors and the States lost it; and to the creditors it was a forced loss. It is in vain to say that they consented to take it. They had no alternative. It was that or nothing. The banks forced it upon the Government; the Government forced it upon the creditor. Consent was out of the question. Power ruled, and that power was in the banks; and they gained the two and a half millions which the States and the public creditors lost.

The Senator from New York, (Mr. TALLMADGE,) who had just spoken with so much ability, and who is opposed both to this bill and this amendment, has predicted an argument in favor of the local banks on account of the small amount of the public money which has been lost in their hands; but here is two and a half millions in a single operation, and without going back to the period of bank stoppages in 1819 and 1814. He confines himself to direct losses, but that is a most imperfect view of the question. The full view embraces, besides direct losses, all that are incidental to the use of depreciated paper money; increased prices—disappointed operations by sea and land in time of war—and embarrassed operations in time of peace; per centums shaved off at every step; the ignorant, the helpless, the necessitous, imposed upon; and one vast scene of pushing off bad paper on each other exhibited all over the country.

I do not pretend to estimate the moneyed losses, direct or indirect, to the Government alone, from the use of local bank notes, in the last twenty-five years, including the war, and covering three general suspensions. Leaving the people out of view, as a field of losses beyond calculation, I confine myself to the Federal Government, and say, its losses have been enormous, prodigious, and incalculable. We have had three general stoppages of the local banks in the short space of twenty-two years. It is at the average rate of one in seven years; and who is to guaranty us from another, and from the consequent losses, if we continue to receive their bills in payment of public dues. Another stoppage must come, and that, reasoning from all analogies, in less than seven years after the resumption. Many must perish in the attempt to resume, and would do better to wind up at once, without attempting to go on, without adequate means, and against appalling obstacles. Another revulsion must come. Thus it was after the last resumption. The banks recommenced payments in 1817—in two years, the failures were more disastrous than ever. Thus it was in England after the long suspension of twenty-six years. Payments recommenced in 1823—in 1825 the most desolating crash of banks took place which had ever been known in the kingdom, although the bank of England had imported, in less than four years,

twenty millions sterling in gold, about one hundred millions of dollars, to recommence upon. Its effects reached this country, crushed the cotton houses in New Orleans, depressed the money market, and injured all business. Why was this? Why was it that, within two years after resumption, both in England and in our America, these disastrous revulsions ensued? Loss of confidence was the cause; and that loss resulting, not from the act of Government, but from the conduct of the banks themselves. The banks had failed, and, therefore, could fail. The people had seen them fail, and, therefore, they feared they might do so again. There was no confidence in them; no more than the coachman places in the balking horse when he comes to the hill. The gentleman from Virginia (Mr. RIVES) wishes the Government to do something to reanimate confidence in these banks. Could a law of Congress inspire confidence into his coachman, and give him faith in the balking horse? No more can it be done in relation to these banks. They have stopped, universally and simultaneously, in a season of profound peace and general prosperity—no war, no pestilence, no famine—with four times as much specie in the country as ever was in it before; and this stoppage has killed confidence. It is dead by the act of the banks, and cannot be legislated into existence again by act of Congress. Confidence is a plant of voluntary and not of forced existence. It is said by an eminent man to be a plant of slow growth. We all know it to be so; and we know, besides, that when this plant is once pulled up by the roots, it rarely takes root again in the same place.

The Senators from New York and Virginia (Messrs. TALLMADGE and RIVES) push this point of confidence a little further; they address a question to me, and ask if I would lose confidence in all steamboats, and have them all discarded, if one or two blew up in the Mississippi? I answer the question in all frankness, and say, that I should not. But if, instead of one or two in the Mississippi, all the steamboats in the Union should blow up at once—in every creek, river, and bay—while all the passengers were sleeping in confidence, and the pilots crying out all is well; if the whole should blow up from one end of the Union to the other just as fast as they could hear each other's explosions; then, indeed, I should lose confidence in them, and never again trust wife, or child, or my own foot, or any thing not intended for destruction, on board such sympathetic and contagious engines of death. I answer further, and tell the gentlemen, that if only one or two banks had stopped last May in New York, I should not have lost all confidence in the remaining nine hundred and ninety-nine; but when the whole thousand stopped at once; tumbled down together—fell in a lump—lie there—and when one of their number, by a sign with the little finger, can make the whole lie still, then, indeed, confidence is gone! And

this is the case with the banks. They have not only stopped altogether, but in a season of profound peace, with eighty millions of specie in the country, and just after the annual examinations by commissioners and legislative committees, and when all was reported well. With eighty millions in the country, they stop even for change! It did not take a national calamity—a war to stop them! They fell in time of peace and prosperity! We read of people in the West Indies, and in South America, who rebuild their cities on the same spot where earthquakes had overthrown them; we are astonished at their fatuity; we wonder that they will build again on the same perilous foundations. But these people have a reason for their conduct; it is, that their cities are only destroyed by earthquakes; it takes an earthquake to destroy them; and when there is no earthquake, they are safe. But suppose their cities fell down without any commotion in the earth, or the air—fell in a season of perfect calm and serenity—and after that the survivors should go to building again in the same place; would not all the world say that they were demented, and were doomed to destruction? So of the Government of the United States by these banks. If it continues to use them, and to receive their notes for revenue, after what has happened, and in the face of what now exists, it argues fatuity and a doom to destruction.

Resume when they will, or when they shall, and the longer it is delayed the worse for themselves, the epoch of resumption is to be a perilous crisis to many. This stopping and resuming by banks is the realization of the poetical description of the descent into hell, and the return from it. *Facilis descensus Averni—sed revocare gradum—hoc opus, hic labor est.* Easy is the descent into the regions below, but to return! this is work, this is labor indeed! Our banks have made the descent; they have gone down with ease; but to return—to ascend the rugged steps, and behold again the light above—how many will falter and fall back again into the gloomy regions below!

The day of resumption will be a day of peril, and of death, to many. It is a penalty which their extraordinary stoppage has imposed. Many must fail in the trial; probably a new panic and pressure take place; and those who must attribute every calamity to the misrule, the ignorance, and the misgovernment of the republican party, had as well be preparing their accusations in advance; for the contingency will come, and a cause for it must be found in the misconduct of the Government. Let them prophesize in advance, and show their capacity for political divination by vaticinating beforehand, and exhibiting now a political cause for an event to arise hereafter out of the natural progress of banking.

Banks of circulation are banks of hazard and of failure. It is an incident of their nature. Those without circulation rarely fail. That of Venice has stood seven hundred years; those

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of Hamburg, Amsterdam, and others, have stood for centuries. The Bank of England, the great mother of banks of circulation, besides an actual stoppage of a quarter of a century, has had her crisis and convulsion in average periods of seven or eight years, for the last half century—in 1783, '93, '97, 1814, '19, '25, '36—and has only been saved from repeated failure by the powerful support of the British Government, and profuse supplies of exchequer bills. Her numerous progeny of private and joint stock banks of circulation have had the same convulsions; and, not being supported by the Government, have sunk by hundreds at a time. All the banks of the United States are banks of circulation; they are all subject to the inherent dangers of that class of banks, and are, besides, subject to new dangers peculiar to themselves. From the quantity of their stock held by foreigners, the quantity of other stocks in their hands, and the current foreign balance against the United States, our paper system has become an appendage to that of England. As such, it suffers from sympathy when the English system suffers. In addition to this, a new doctrine is now broached—that our first duty is to foreigners! and, upon this principle, when the banks of the two countries are in peril, ours are to be sacrificed to save those of England!

The power of a few banks over the whole presents a new feature of danger in our system. It consolidates the banks of the whole Union into one mass, and subjects them to one fate, and that fate to be decided by a few, without even the knowledge of the rest. An unknown divan of bankers sends forth an edict which sweeps over the empire, crosses the lines of States with the facility of a Turkish firman, prostrating all State institutions, breaking up all engagements, and levelling all law before it. This is consolidation of a kind which the genius of Patrick Henry had not even conceived. But while this firman is thus potent and irresistible for prostration, it is impotent and powerless for resurrection. It goes out in vain, bidding the prostrate banks to rise. A veto power intervenes. One voice is sufficient to keep all down; and thus we have seen one word from Philadelphia annihilate the New York proposition for resumption, and condemn the many solvent banks to the continuation of a condition as mortifying to their feelings as it is injurious to their future interests.

But what excuse, what apology, what justification have we for surrendering, abandoning, and losing the precise advantage for which the present constitution was formed? What was that advantage—what the leading and governing object which led to the abandonment of the old confederation, and induced the adoption of the present form of Government? It was revenue! independent revenue! a revenue under the absolute control of this Government, and free from the action of the States. This was the motive, the leading and governing motive, which led to the formation of this Government.

The reason was, that the old confederation, being dependent upon the States, was often left without money. This state of being was incompatible with its existence; it deprived it of all power; its imbecility was a proverb. To extricate it from that condition was the design, and the cardinal design of the new constitution. An independent revenue was given to it—independent even of the States. Is it not suicidal to surrender that independence, and to surrender it, not to States, but to money corporations? What does history record of the penury and moneyed destitution of the old confederation, comparable to the annihilation of the revenues of this Government in May last, when the banks shut down, in one night, upon a revenue in hand of thirty-two millions; even upon that which was in the names of disbursing officers, and refuse a nine-pence or a picaillon in money from that day to this? What is there in the history of the old confederation comparable to this? The old confederation was often reduced low—often near empty handed—but never saw itself stripped in an instant, as if by enchantment, of tens of millions, and heard the shout of triumph thundered over its head, and the notes of exultation sung over its supposed destruction! Yet, this is what we have seen—what we now see—from having surrendered to corporations our moneyed independence, and unwisely abandoned the precise advantage which led to the formation of this Federal Government.

I do not go into the moral view of this question. It is too obvious, too impressive, too grave, to escape the observation of any one. Demoralization follows in the train of an unconvertible paper money. The whole community becomes exposed to a moral pestilence. Every individual becomes the victim of some imposition, and, in self-defence, imposes upon some one else. The weak, the ignorant, the uninformed, the necessitous, are the sufferers; the crafty and the opulent are the gainers. The evil augments until the moral sense of the community, revolting at the frightful accumulation of fraud and misery, applies the radical remedy of total reform.

Thus, pecuniary, political, and moral considerations require the Government to retrace its steps, to return to first principles, and to restore its fiscal action to the safe and solid path of the constitution. Reform is demanded. It is called for by every public and by every private consideration. Now is the time to make it. The connection between bank and State is actually dissolved. It is dissolved by operation of law, and by the delinquency of these institutions. They have forfeited the right to the deposits, and lost the privilege of paying the revenue in their notes, by ceasing to pay specie. The Government is now going on without them, and all that is wanting is the appropriate legislation to perpetuate the divorce which, in point of fact, has already taken place. Now is the time to act; this the moment to restore the constitu-

tional currency to the Federal Government; to restore the custody of the public moneys to national keepers; and to avoid, in time to come, the calamitous revulsions and perilous catastrophes of 1814, 1819, and 1837.

And what is the obstacle to the adoption of this course, so imperiously demanded by the safety of the republic, and the welfare of the people, and so earnestly recommended to us by the Chief Magistrate? What is the obstacle—what the power that countervails the Executive recommendation, paralyzes the action of Congress, and stays the march of reform? The banks—the banks—the banks, are this obstacle, and this power. They set up the pretension to force their paper into the Federal Treasury, and to force themselves to be constituted that Treasury. Though now bankrupt, their paper dishonored, their doors closed against creditors, every public and every private obligation violated, still they arrogate a supremacy over this Federal Government; they demand the guardianship of the public moneys, and the privilege of furnishing a Federal currency; and, though too weak to pay their debts, they are strong enough to throttle this Government, and to hold, in doubtful suspense, the issue of their vast pretensions.

And what new power is this, so formidable and so daring, and the name of which is not seen in our constitution?

Whence its origin, its progress, and its present pretensions? Sir, its origin is humble; its first progress slow; its vast pretensions of recent date. In the year 1780, the first petition was presented to the Congress of the confederation for the establishment of a bank; ten years afterwards there were but three in the country; in twenty years more, there were only a few dozen; now nearly a thousand, and constantly multiplying. The first petition was bottomed solely upon patriotism, without the least design of pecuniary advantage to the projectors, and intended wholly to aid in furnishing supplies to a detachment of the revolutionary army. I will read the report of the committee of Congress upon that petition, that the Senate may see the progress which banks have made since that day, and the change which has since taken place in their character and views.

CONGRESS OF THE CONFEDERATION, June 22, 1780.

Report of a committee.

“Whereas, a number of the patriotic citizens of Pennsylvania have communicated to Congress a liberal offer, on their own credit, and by their own exertions, to supply and transport three millions of rations, and three hundred hogheads of rum, for the use of the army, and have established a bank for the sole purpose of obtaining and transporting the said supplies with the greater facility and despatch; and whereas, on the one hand, the associators, animated to this laudable exertion by a desire to relieve the public necessities, mean not to derive from it the least pecuniary advantage, so, on the other, it is just and reasonable that they should be fully reimbursed and indemnified: *Therefore, resolved*, That Congress

entertain a high sense of the liberal offer of the said associators to raise and transport the before-mentioned supplies for the army, and do accept the same as a distinguished proof of their patriotism. *Resolved, further*, That the faith of the United States be, and the same hereby is, pledged to the subscribers to the said bank, for their effectual reimbursement in the premises.”

Such is the recent and humble origin of banking in this country. How gigantic has been its progress since that day! It is now the predominating power in our America. Great as it now is, what must it be in a few years more, if it continues growing and expanding at the same rate? What must it be in a few years, if it succeeds now in this contest with the Federal Government, and imposes its paper currency upon the Federal Treasury, and continues to be the keeper of the public moneys? The administration is accused of making war upon the local banks. Was it war to give them forty millions of money to keep? Was it war to receive their notes in payment of revenue? Is it war now to give them time for the payment of balances? Is it war upon them to ask to be separated from them? Is divorce war? Is it war to decline receiving their paper promises instead of the gold and silver of the constitution, and to decline the further deposits of public money with them? Is it war? No, sir, it is peace, and the means of preserving peace. It is concord and amity that this Government wants, and is taking the safest way to secure, by declining to have any more causes of collision with them. It is the local banks, and especially the miscalled Bank of the United States, which are pursuing the Federal Government, refusing to let her alone, offering their notes for currency, and their vaults for depositories, and laboring to force these favors upon us. This is the state of the contest. The local banks are the actors, the pursuers, the assailants; the Federal Government is on the defence. All she asks is to be exempted from the future causes of collision with them. They have incurred the penalties of separation. They have incurred the penalties. The very act which created them depositories, and made their notes receivable, denounced the loss of both in the event of failing to meet their liabilities in specie. That act is but little more than one year old; it was not a year old when the condition was violated, and which remains yet violated. Separation has resulted from their own conduct; separation now exists; cause for separation still continues; the Government says, let it be perpetual; the banks say no! Receive us again; receive us before we reform, before we repent, before we make amends; and if you do not, it is war upon us. This is the state of the contest between the Government and the banks. It is attack, or at all events, forcible embrace and conjunction on their part; it is defence and refusal on ours.

The President, in his Message, recommends four things: first, to discontinue the reception

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of local bank paper in payment of federal dues; secondly, to discontinue the same banks as depositories of the public moneys; thirdly, to make the future collection and disbursement of the public moneys in gold and silver; fourthly, to take the keeping of the public moneys into the hands of our own officers.

What is there in this but a return to the words and meaning of the constitution, and a conformity to the practice of the Government in the first years of President Washington's administration? When this Federal Government was first formed, there was no Bank of the United States, and no local banks, except three north of the Potomac. By the act of 1789, the revenues were directed to be collected in "gold and silver coin only;" and it was usually drawn out of the hands of collectors by drafts drawn upon them, payable at sight. It was a most effectual way of drawing money out of their hands; far more so than an order to deposit in banks; for the drafts must be paid, or protested, at sight, while the order to deposit may be eluded under various pretexts.

The right, and the obligation of the Government to keep its own moneys in its own hands, results from first principles, and from the great law of self-preservation. Every thing else that belongs to her, she keeps herself; and why not keep that also, without which every thing else is nothing. Arms and ships—provisions, munitions, and supplies of every kind—are kept in the hands of Government officers; money is the sinew of war, and why leave this sinew exposed to be cut by any careless or faithless hand? Money is the support and existence of the Government, the breath of its nostrils, and why leave this support, this breath, to the custody of those over whom we have no control? How absurd to place our ships, our arms, our military and naval supplies in the hands of those who could refuse to deliver them when requested, and put the Government to a suit at law to recover their possession? Everybody sees the absurdity of this; but to place our money in the same condition, and moreover to subject it to the vicissitudes of trade, and the perils of banking, is still more absurd; for it is the life blood, without which the Government cannot live—the oil, without which no part of its machinery can move.

England, with all her banks, trusts none of them with the collection, keeping, and disbursement of her public moneys. The Bank of England is paid a specific sum to manage the public debt; but the revenue is collected and disbursed through subordinate collectors and receivers general; and these receivers general are not subject to the bankrupt laws, because the Government will not suffer its revenue to be operated upon by any law except its own will. In France, subordinate collectors and receivers general collect, keep, and disburse the public moneys. If they deposit any thing in banks, it is at their own risk. It is the same thing in

England. A bank deposit by an officer is at the risk of himself and his securities. Too much of the perils and vicissitudes of banking is known in these countries to permit the Government ever to jeopard its revenues in their keeping. All this is shown, fully and at large, in a public document now on our tables. And who does not recognize in these collectors and receivers general of France and England the ancient Roman offices of *quæstors* and *pro-quæstors*? These fiscal officers of France and England are derivations from the Roman institutions; and the same are found in all the modern kingdoms of Europe which were formerly, like France and Britain, provinces of the Roman Empire. The measure before the Senate is to enable us to provide for our future safety, by complying with our own constitution, and conforming to the practice of all nations, great or small, ancient or modern.

Coming nearer home, and looking into our own early history, what were the "continental treasurers" of the confederation, and the "provincial treasurers and collectors," provided for as early as July, 1775, but an imitation of the French and English systems, and very near the plan which we propose now to re-establish? These continental treasurers, and there were two of them at first, though afterwards reduced to one, were the receivers general; the provincial treasurers and collectors were their subordinates. By these officers the public moneys were collected, kept, and disbursed; for there were no banks then! and all Government drafts were drawn directly upon these officers. This simple plan worked well during the Revolution, and afterwards, until the new Government was formed; and continued to work, with a mere change of names and forms, during the first years of Washington's administration, and until General Hamilton's bank machinery got into play. This bill only proposes to re-establish, in substance, the system of the Revolution, of the Congress of the confederation, and of the first years of Washington's administration.

The bill reported by the chairman of the Committee on Finance (Mr. Wright of New York) presents the details of the plan for accomplishing this great result. That bill has been printed and read. Its simplicity, economy, and efficiency strike the sense of all who hear it, and annihilate without argument, the most formidable arguments of expense and patronage, which had been conceived against it. The present officers, the present mints, and one or two more mints in the South, in the West, and in the North, complete the plan. There will be no necessity to carry masses of hard money from one quarter of the Union to another. Government drafts will make the transfer without moving a dollar. A Government draft upon a national mint, will be the highest order of bills of exchange. Money wanted by the Government in one place, will be exchanged, through merchants, for money in another place.

Thus it has been for thousands of years, and will forever be. We read in Cicero's letters that, when he was Governor of Cilicia, in Asia Minor, he directed his *quæstor* to deposit the tribute of the province in Antioch, and exchange it for money in Rome with merchants engaged in the Oriental trade, of which Antioch was one of the emporiums. This is the natural course of things, and is too obvious to require explanation, or to admit of comment.

Objections are taken to the capacity of the country to furnish the quantity of gold and silver necessary to pay the revenues of the Government in coin. It is supposed there is not hard money enough for that purpose? This objection induces two inquiries. First, how much specie will be required for that purpose? Secondly, what is the present amount in the country, and what the prospect of increase? In reply to the first of these inquiries, it is to be remembered that the President, in his Message, supposes ten millions will be enough; and the Secretary of the Treasury, in his report upon the finances, supposes that eight or ten millions will do. Having paid some attention to this point, I have come to the conclusion that the one-fourth part of the amount of the annual revenue will be sufficient to pay the whole; and this opinion is formed upon an observation of the fact, that in a regular state of the finances, when no more revenue is raised than the Government needs, about one-fourth of the whole is always on hand, of course that not more than one-fourth is taken out of circulation. Upon this data, a revenue of twenty millions would require but five millions to pay it; and a revenue of twenty-five millions would require but six and a quarter millions to meet it. A reduction of revenue to the wants of the Treasury is the policy of the administration; no more surpluses is the language of the republican party. About twenty-five millions may, therefore, be the maximum; and the payment of this sum, it is shown, will not employ above six or seven millions. Now, what is the capacity of the country to furnish this amount? How much specie have we, and what is the prospect for more? It is well remembered that eighty millions was the computed supply at the end of the last fiscal year; to that amount we have to add the increase of the present fiscal year, being about five millions; namely, an excess of imports over exports of above four millions, and the coinage of near a million of gold. The future prospect is most encouraging. The export of specie is over; it is a drug in London; it can be borrowed there at $2\frac{1}{2}$ per cent. per annum, and three per cent. is a common interest. What has been forced out is ready to flow back. A large import must be expected; and if this bill passes to increase the demand for it at home, and if the suspending banks are made to resume payment, not less than fifteen or twenty millions of dollars may be expected within the ensuing year. This, then, is our condition; upwards of eighty mil-

lions now in the country, and the means in our power to increase it largely. Now, cannot a revenue of twenty-five millions, which will never require a greater amount than six or seven millions to be taken out of circulation at any one time; cannot such a revenue be met from these resources? I say it can; and I say this upon data, and will exhibit that data to the Senate, that they may judge of the correctness of my opinion. First, I take the evidence furnished by the history of our own country. The first revenue act of 1789 prescribed "gold and silver coin only" for the payment of the Federal revenue; the revenue was then about four and a half millions of dollars; and the whole amount of specie in the Union was estimated at ten millions of dollars. Here then was a revenue, nearly half the amount of specie in the country, ordered to be collected in specie. I speak of the law which ordered it to be so collected, and to which there was no objection, on account of the inadequacy of specie, either in Congress or out of Congress. The revenue was paid without complaint, and without difficulty, and, in all probability, did not abstract, at one time, a million of dollars from circulation. General Hamilton, the Secretary of the Treasury, permitted notes of banks to be received. Certainly he did, and, just as certainly, for no reason founded on the inadequacy of the specie circulation to meet the demands of the Government. His reasons, as seen in his report to Congress, were altogether of a different class; they were to enable the banks to increase their paper circulation; to increase paper money; and to diffuse it generally over the Union. There were then but three banks in the United States, and those three to the north of the Potomac; they issued no small notes; their aggregate circulation was inconsiderable; and it was the plan of General Hamilton to increase their number, and diffuse their paper. This was his reason for admitting bank paper to be received; and to do so, he had to nullify, by construction, the clear enactment of positive law.

The next piece of evidence I furnish is drawn from the history of England, in the reign of William III., immediately preceding the establishment of the Bank of England, and the introduction of the paper system, and the funding system, into that kingdom. The taxes were then four millions, and the specie of the kingdom sixteen millions. These taxes were paid without difficulty; for they probably did not abstract one million sterling from circulation. The last data I shall produce is from the history of France, during the first administration of Neckar, which about covered the period of our Revolution. I speak of the first administration of Neckar, and when the finances of France were in a regular state, and not of his subsequent administration, when the extravagances of the day and the subservience of the ministers Calonne and Brienne had involved those finances in a ruin from which the talents of Neckar could not extricate them. What was the rev-

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enne and the specie circulation of France at that time? I say specie circulation; for the Mississippi scheme of John Law had cured the nation of paper money, until the assignats of the Revolution came upon the stage, and lived their brief day. What was the revenue, and the specie circulation out of which it was paid, in the prosperous period of the French finances to which I have alluded? Twenty-two millions sterling of revenue; about 110,000,000 of dollars; and ninety millions sterling of circulation; about 450,000,000 of dollars. This vast revenue, equal to one-fourth of the whole circulation, was regularly paid; and this establishes the only point for which I refer to it. Now, to apply this historical experience to our own country, and to the present times. Our revenue may be about 25,000,000; one-fourth of that sum will pay it; we have upwards of eighty millions of specie in the country, annually increasing, and certain to increase to the utmost extent of our wants, if we create a demand for it. One hundred millions of exportable productions will bring back just as much specie as the country wants. The objection, then, to the inadequacy of the specie in the country falls to the ground. We have more than enough for that purpose. We have but two branches of revenue—the lands and the customs, and both voluntary sources of income; for no person is under compulsion to purchase the public lands, and no one is under compulsion to import foreign goods. These are the sources of our revenues. Their payment is voluntary; and even during this summer, since the suspension of specie payments, the income from one of these sources (the lands) has been equal to the best years before the two great years of speculation. I will answer for this branch of revenue. Bring the new lands into market, and reduce the price of the old lands, and the Government will get ten or twelve millions of gold and silver from them in the next year.

I am free to admit that the whole of this eighty millions is not now in the hands of the people; that much of it is locked up in the vaults of the banks. But this is temporary; it cannot last much longer; public opinion is omnipotent, and must prevail; that opinion is against the conduct of the banks; and in the progress of it they must see their own doom. Their vaults are shut, but their eyes must be opening; and with these eyes they must begin to see what the public is beginning to think of a banking system which, in a season of peace, tranquillity, and general prosperity, and with a hundred millions of exports, and four times as much specie as ever was in the country before, are either unable, or unwilling, to meet any part of their obligations in specie—even to pay out picayunes—and have driven the people to the use of irredeemable paper and shimplasters, and the Federal Government itself to an issue of Treasury notes.

We are taunted with these Treasury notes; it seems to be matter of triumph that the Govern-

ment is reduced to the necessity of issuing them; but with what justice? And how soon can any Government that wishes it, emerge from the wretchedness of depreciated paper, and stand erect on the solid foundations of gold and silver? How long will it take any respectable Government, that so wills it, to accomplish this great change? Our own history, at the close of the Revolution, answers the question; and more recently, and more strikingly, the history of France answers it also. I speak of the French finances from 1800 to 1807; from the commencement of the Consulate to the peace of Tilsit. This wonderful period is replete with instruction on the subject of finance and currency. The whole period is full of instruction; but I can only seize two views—the beginning and the end—and, for the sake of precision, will read what I propose to present. I read from Bignon, author of the civil and diplomatic history of France during the Consulate and the first years of the empire; written at the testamentary request of the Emperor himself.

After stating that the expenditures of the republic were six hundred millions of francs—about one hundred and ten millions of dollars—when Bonaparte became First Consul, the historian proceeds:

“At his arrival at power, a sum of 160,000 francs in money [about \$32,000] was all that the public chests contained. * * * * *

In the impossibility of meeting the current service by the ordinary receipts, the Directorial Government, had resorted to ruinous expedients, and had thrown into circulation bills of various values, and which sunk upon the spot fifty to eighty per cent. A part of the arrearages had been discharged in bills two-thirds on credit payable to the bearer, but which, in fact, the Treasury was not able to pay when due. The remaining third had been inscribed in the great book, under the name of consolidated third. For the payment of the forced requisitions to which they had been obliged to have recourse, there had been issued bills receivable in payment of the revenues. Finally, the Government, in order to satisfy the most imperious wants, gave orders upon the receivers general, delivered in advance to contractors, which they negotiated before they began to furnish the supplies for which they were the payment.”

This, resumed Mr. B., was the condition of the French finances when Bonaparte became First Consul at the close of the year 1799. The currency was in the same condition—no specie—a degraded currency of assignats, ruinously depreciated, and issued as low as ten sous. That great man immediately began to restore order to the finances, and solidity to the currency. Happily a peace of three years enabled him to complete the great work, before he was called to celebrate the immortal campaigns ending at Austerlitz, Jena, and Friedland. At the end of three years—before the rupture of the peace of Amiens—the finances and the currency were restored to order and to solidity; and, at the end of six years, when the vast establishments, and the internal ameliorations of the

imperial Government, had carried the annual expenses to eight hundred millions of francs, about one hundred and sixty millions of dollars; the same historian copying the words of the Minister of Finance, thus speaks of the Treasury, and the currency:

"The resources of the State had increased beyond its wants; the public chests are full; all payments are made at the day named; the orders upon the public Treasury have become the most approved bills of exchange. * * The finances are in the most happy condition; France alone, among all the States of Europe, having no paper money."

What a picture! how simply, how powerfully drawn! and what a change in six years! Public chests full; payments made to the day; orders on the Treasury the best bills of exchange; France alone, of all Europe, having no paper money; meaning no Government paper money, for there were bank notes of one hundred francs and one thousand francs. A Government revenue of one hundred and sixty millions of dollars was paid in gold and silver; a hard-money currency, of five hundred and fifty millions of dollars, saturated all parts of France with specie, and made gold and silver the every-day currency of every man, woman, and child in the empire. These great results were the work of six years, and were accomplished by the simple process of gradually requiring hard-money payments; gradually calling in the assignats; increasing the branch mints to fourteen, and limiting the Bank of France to an issue of large notes—five hundred francs and upwards. This simple process produced these results, and thus stands the French currency at this day; for the nation has had the wisdom to leave untouched the financial system of Bonaparte. I have repeatedly given it as my opinion—many of my speeches declare it—that the French currency is the best in the world. It has hard money for the Government; hard money for the common dealings of the people; and large notes for large transactions. This currency has enabled France to stand two invasions—the ravaging of 300,000 men—two changes of dynasty, and the payment of a milliard of contributions; and all without any commotion or convulsion in trade. It has saved her from the revulsions which have afflicted England and our America for so many years. It has saved her from expansions, contractions, and ruinous fluctuations of price. It has saved her, for near forty years, from a debate on currency. It has saved her even from the knowledge of our sweet-scented phrases, "sound currency, unsound currency; plethoric, dropsical, inflated, bloated; the money market tight to-day, a little easier this morning;" and all such verbiage, which the haberdasher's boys repeat. It has saved France from even a discussion on currency; while in England, and with us, it is banks! banks! banks! morning, noon, and night; breakfast, dinner, and supper; levant and couchant; sitting, or standing; at home,

or abroad; steamboat, or railroad car; in Congress, or out of Congress, it is all the same thing; banks! banks! banks! currency! currency! currency! meaning, all the while, paper money and shimplasters; until our very brains seem as if they would be converted into lampblack and rags.

The Senator from New York, (Mr. TALLMADGE,) in his very able speech, has referred to the overthrow of Bonaparte, effected by the paper system of England. Without going into the question of the causes of that overthrow—without looking to the ice of Russia and the non-arrival of Grouchy on the field of Waterloo, and without considering the numerous incidents, often trivial in themselves, on which the fate of battles and of empires depend—it will be sufficient to consider what would have been the fate of this paper system of England, if, like the system of France, it had been exposed to the shocks of invasions, conquests, and changes of dynasty; and, leaving out this supposed view, it will be sufficient to look at it under its real aspect, and to see its present effects on the condition of the British empire. What are those effects? They are, in brief, an increase of taxes from 1694, when the Bank of England was chartered, from four millions sterling (twenty millions of dollars) to forty-five millions sterling, (two hundred and twenty-five millions of dollars;) an increase of the public debt from twenty-one millions five hundred and fifteen thousand seven hundred and forty-two pounds, thirteen shillings, eight pence, and two farthings, (to be precise,) in round numbers about one hundred millions of dollars, to near nine hundred millions sterling, or four thousand five hundred millions of dollars; and the increase of pauperism, until three millions of people grace the list. These are some, for I omit, as too well known, the average septennial convulsions of that system; these are some of the evils of the paper system in England. But take another view; take some points of comparison between the national expenditures of France and England, when contending together, and see how the account, in point of economy between paper money and hard money, will stand. Let us take the year 1806, when England was subsidizing Russia and other powers against France, and when the great Emperor frustrated the effect of all these subsidies, and consolidated his power by the victory of Friedland, and the peace of Tilsit. What were the expenses of the two contending empires for that year? They were these: For England one thousand seven hundred and seventy-two millions of francs, (about three hundred and sixty millions of dollars;) for France, seven hundred and seventy eight millions of francs, (about one hundred and sixty millions of dollars;) in other words, the expenses of England exceeded those of France by about one thousand millions of francs, or two hundred millions of dollars. Such was the difference between the economy of paper money and hard money; and

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the same proportion holds good in every station in life, from the Emperor and his empire, to the washerwoman and her household.

The amendment now depending, on the motion of the Senator from South Carolina, (Mr. CALHOUN,) is the same in substance with the bill which I brought in upwards of a year ago, to re-establish the currency of the constitution for the Federal Government. That bill was in these words:

"That bank notes and paper currency of every description shall cease to be received, or offered in payment, on account of the United States, or of the Post Office, or in fees in the courts of the United States, as follows: of less denomination than twenty dollars, none shall be so offered after the 3d day of March, 1837; of less denomination than fifty dollars, none after the 3d day of March, 1838; of less denomination than one hundred dollars, none after the 3d day of March, 1839; of less denomination than five hundred dollars, none after the 3d day of March, 1840; of less denomination than one thousand dollars, none after the 3d day of March, 1841; and none of any denomination from and after the 3d day of March, 1842.

"Sec. 2. *And be it further enacted*, That any person holding an appointment under the laws of the United States, and any bank employed to keep public moneys, which person or bank shall neglect, evade, violate, contravene, or in any way elude, or attempt to elude, the provisions of this act, shall be guilty of an offence against the laws; and the person so offending shall be liable to be dismissed from the service, and the bank so offending shall, on satisfactory information, be discontinued as a depository of public moneys."

The only direct action of this bill would have been on the receipts of the Federal Treasury. It has been extensively represented as a bill to impose hard money upon the States, but such is not its character, but the reverse; it was to prevent the local paper of the States from being imposed on the Federal Government. Its indirect and consequential action has been to increase the specie circulation of the whole Union by creating a demand for it. The present amendment will operate the same way; it will increase the quantity of hard money everywhere. Yet two objections, neither of them well founded, and each inconsistent with the other, have been taken to it; one is, that it proposes to take the better currency for the Government, and leave the baser to the people; the other is, that it is going to impose this better currency upon the people also; and so destroy all paper money at once, reduce everything to the specie standard, and ruin all debtors. Each of these objections are equally unfounded. Taken singly, they are each erroneous; taken together, as we often find them in the same speech, and they belong to that class of arguments which the logicians call the *argumentum ad ignorantiam*: that is to say, an argument addressed to the supposed ignorance of the hearers. This class of arguments has been freely used by gentlemen of the oppo-

sition for a long time; with what effect the issue of the elections has often told. It is time to quit it, and to address the intelligence of the community. Take the better currency to itself. Why, the Government does not eat the money, but pays it back again the next day to the people. Impose hard money upon the States! The mere reading of the amendment, or my bill, which is the same in substance, disproves the assertion. No, the effect of the measure will be to increase the gold and silver circulation for the whole country. Thus it has been already. Five years ago we began our system of measures to revive the gold currency, and to increase the specie circulation. There was then twenty millions of silver in the country, and no gold; there is now upwards of eighty millions, of which fifteen is gold. True, the banks have suppressed all this circulation for the present; they have shut down the hatches upon the whole of it; but this suppression cannot continue much longer. The law of the land, or of public opinion, will soon prevail, and these institutions will have to submit. The bill before the Senate dispenses with the further use of banks as depositories of the public moneys. In that it has my hearty concurrence. Four times heretofore, and on four different occasions, I have made propositions to accomplish a part of the same purpose. First, in proposing an amendment to the deposit bill of 1836, by which the mint, and the branch mints, were to be included in the list of depositories; secondly, in proposing that the public moneys here, at the seat of Government, should be kept and paid out by the Treasurer; thirdly, by proposing that a preference, in receiving the deposits, should be given to such banks as should cease to be banks of circulation; fourthly, in opposing the establishment of a bank agency in Missouri, and proposing that the moneys there should be drawn direct from the hands of the receivers. Three of these propositions are now included in the bill before the Senate; and the whole object at which they partially aimed is fully embraced. I am for the measure, fully, cordially, earnestly for it.

Some Senators suppose that it will be a great injury to the local banks to refuse their notes in revenue payments; I think otherwise, and that it will be a great injury to receive them; for they will be taken out of circulation, and returned in masses on the banks for redemption. They cannot be paid out by the Government, and, therefore, will have to be presented for redemption to the banks. The act of 1836 cuts them off from all payments from the Federal Government, or the post offices. That act contains three limitations upon the payment of these notes: first, no note under twenty dollars is to be paid out; and that cuts off the greater number: secondly, no note is to be paid out which is issued at one place, and made payable at another; thirdly, no note of any kind is to be paid out, unless it is equal to gold and silver at the place where offered, and convert-

ible into specie upon the spot, at the will of the holder, and without loss or delay to him. This is the strongest limitation, and cuts off all payment in notes unless where the bank itself is situated. The three limitations taken together, and they are all in full force, cut off bank paper from nearly every payment to be made, either by the United States or by the Post Office Department.

I do not pretend to exhaust this subject; I only touch the leading objections to the further use of bank notes by the Government, and the future use of banks as depositories of public moneys. It is a practice fraught with mischief to both parties, and has been so proved by repeated experience. To receive the notes of banks for revenue, if they are to be paid in good faith, is merely to take them out of circulation, and return them in masses for redemption, to the great peril and alarm of the bank. If they are not to be paid, their receipt is a fraud upon the Government. So said Mr. Crawford, when he was Secretary of the Treasury, and when members of Congress, marching in columns upon him, backed by legislative petitions, were demanding this privilege for so many local banks. Importunity and legislative interference most usually prevailed; and in almost every instance to the injury of the bank, and to the loss of the Government. So will it be again, if the practice is resumed.

Again: It is tempting the banks into ruinous expansions, thus to give them the credit and the domain of the United States to bank upon. They put out floods of notes, because receivability at the custom-house, the land-office, and the post office, gives them credit and circulation. After some months, pay-day comes. Federal credit, which got the notes into circulation, will not pay them; the bank stops; depreciation ensues; the loss falls upon the Government, and upon the uninformed holders of the notes.

Again: It is a false credit given by the Government to the whole issues of any bank whose paper is so received. It is endorsement without responsibility. People take it, because the Government takes it; and when the bank fails, the Government does not indemnify those who have been deceived by an endorsement, valid for deception, and invalid for responsibility.

Again: This Government receivability enables notes to stray from their known orbit of circulation; to go off into distant parts, where they are unknown; to live there awhile in the sunshine of Federal favor; to circulate awhile on land-office and custom-house credit; and, finally, to sink as insolvents upon the hands of strangers.

Again: There must be selection of banks, or universality of reception. If selection, then favoritism, patronage, caprice—refusal to-day, reception to-morrow—imposition on some, undue advantage to others—come into play. If receivability is universal, then a thousand banks

now in existence, and thousands more to be created, all become furnishers of Federal currency; and in a few years the public lands are changed into paper—the custom-house revenue becomes a bale of paper—and this paper worth as little as it would be if it was decomposed and restored to its original state of lampblack and rags.

Again: To take the promissory notes of the banks for lands, customs, and postages, is to extend a credit to the banks which is denied to the community. The farmer is required to pay ready money for the public lands; but if the note of the bank is received, this is a credit to the bank—a credit to a barren moneyed corporation, which is denied to a productive, meritorious citizen. The same of postages; and the same is, in some degree, the case at the custom-houses now, and will be fully, when ready money payments are required there, as another bill before the Senate now proposes.

Again: To make the banks depositories of our moneys, involves the use, or the prohibition of the use, of these moneys. If the former, then the revenues are as much jeopardized as ever; if the latter, then the bank has no benefit from the deposit.

Again: To continue these banks as depositories, is to create an interest—a powerful, active, concentrated interest, in Congress and out of Congress—in favor of high taxes and low appropriations. The late Bank of the United States was such an interest during the whole time of its existence. It was the ally of high tariffs, and the enemy of appropriation bills. Its principle of action was, take from the people, and leave with us! and so it will be with a league of local depository banks. Their presidents and directors; their stockholders and attorneys, with all their friends and debtors, will be a unit, to keep up taxes and to keep down appropriations. The Government should not create, for itself and for the people, so formidable an antagonist.

The friends of the banks treat it as their ruin, as a grievous outrage and indignity, for the Government of the United States to refuse to take their notes, and to refuse to use them as depositories; yet this was their condition during the whole time of the existence of the Bank of the United States, and yet they made no objection to it then. This is strange! but what is more so is, that while thus struggling against the Government, they are, many of them, in favor of re-establishing a national bank; the first act of which will be to strip them of Government deposits, and exclude their paper from Government receivability!

Congress has a sacred duty to perform in reforming the finances, and the currency; for the ruin of both has resulted from Federal legislation, and Federal administration. The States, at the formation of the constitution, delivered a solid currency—I will not say sound, for that word implies subject to unsoundness, to rottenness, and to death—but they delivered a solid

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currency, one not liable to disease, to this Federal Government. They started the new Government fair upon gold and silver. The first act of Congress attested this great fact; for it made the revenues payable in gold and silver coin only. Thus the States delivered a solid currency to this Government, and they reserved the same currency for themselves; and they provided constitutional sanctions to guard both. The things to be saved, and the power to save it, was given to this Government by the States; and in the hands of this Government it became deteriorated. The first great error was General Hamilton's construction of the act of 1789, by which he nullified that act, and overturned the statute and the constitution together. The next great error was the establishment of a national bank of circulation, with authority to pay all the public dues in its own paper. This confirmed the overthrow of the constitution, and of the statute of 1789; and it set the fatal example to the States to make banks, and to receive their paper for public dues, as the United States had done. This was the origin of the evil—this the origin of the overthrow of the solid currency which the States had delivered to the Federal Government. It was the Hamiltonian policy that did the mischief; and the state of things in 1837, is the natural fruit of that policy. It is time for us to quit it—to return to the constitution and the statute of 1789, and to confine the Federal Treasury to the hard money which was intended for it.

I repeat, this is a measure of reform, worthy to be called a reformation. It goes back to a fundamental abuse, nearly coeval with the foundation of the Government. Two epochs have occurred for the reformation of this abuse; one was lost, the other is now in jeopardy. Mr. Madison's administration committed a great error at the expiration of the charter of the first Bank of the United States, in not reviving the currency of the constitution for the Federal Treasury, and especially the gold currency. That error threw the Treasury back upon the local bank paper. This paper quickly failed, and out of that failure grew the second United States Bank. Those who put down the second United States Bank, warned by the calamity, determined to avoid the error of Mr. Madison's administration; they determined to increase the stock of specie, and to revive the gold circulation, which had been dead for thirty years. The accumulation of eighty millions in the brief space of five years, fifteen millions of it in gold, attests the sincerity of their design, and the facility of its execution. The country was going on at the rate of an average increase of twelve millions of specie per annum, when the general stoppages of the banks in May last, the exportation of specie and the imposition of irredeemable paper upon the Government and the people, seemed to announce the total failure of the plan. But it was a seeming only. The impetus given to the specie policy still prevails, and five millions are added to the stock dur-

ing the present fiscal year. So far, then, as the counteraction of the Government policy, and the suppression of the constitutional currency might have been expected to result from that stoppage, the calculation seems to be in a fair way to be disappointed. The spirit of the people, and our hundred millions of exportable produce, are giving the victory to the glorious policy of our late illustrious President. The other great consequences expected to result from the stoppage, namely: the recharter of the Bank of the United States, the change of administration, the overthrow of the republican party, and the restoration of the federal dynasty, all seem to be in the same fair way to total miscarriage; but the objects are too dazzling to be abandoned by the parties interested, and the destruction of the finances and the currency, is still the cherished road to success. The miscalled Bank of the United States, the soul of the federal dynasty, and the anchor of its hopes—believed by many to have been at the bottom of the stoppages in May, and known by all to be at the head of non-resumption—now displays her policy on this floor; it is to compel the repetition of the error of Mr. Madison's administration! Knowing that from the repetition of this error must come the repetition of the catastrophes of 1814, 1819, and 1837; and out of these catastrophes to extract a new clamor for the revivification of herself. This is her line of conduct; and to this line the conduct of all her friends conforms. With one heart, one mind, one voice, they labor to cut off gold and silver from the Federal Government, and to impose paper upon it! they labor to deprive it of the keeping of its own revenues, and to place them again where they have been so often lost! This is the conduct of that bank and its friends. Let us imitate their zeal, their unanimity, and their perseverance. The amendment and the bill, now before the Senate, embody our policy. Let us carry them, and the republic is safe.

SATURDAY, September 23.

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The Senate resumed the consideration of the bill providing for the collection and custody of the public revenue. The question being on the amendment offered by Mr. CALHOUN, to separate the Government from the banks,

Mr. KING, of Georgia, said two plans were urged upon the Senate: one reported by the Committee on Finance, as proposed to be amended by the Senator from South Carolina; the other the State bank system, which had already been tried, and failed.

As to the last, various apologies had been made here and elsewhere, for its failure; and it had been insisted that it had not had a fair trial, and therefore could not be said properly to have failed. The most able and ingenious advocates and apologists of this system that he

had heard were his friends from Virginia and New York. If they had not succeeded in convincing the Senate that the system should be re-adopted, (with the modifications proposed,) conviction might be considered hopeless. He certainly agreed with them, that the system had not had a fair trial. The pets had certainly a hard time of it under their Executive patron; but he had never had confidence in them from the beginning, and, in truth, the system had never succeeded for one moment.

Mr. K. said he would not detain the Senate by going fully into the capabilities of the State bank system to perform the services promised by it. He stood upon firm ground on this subject. His friends could not charge him with change or inconsistency in this matter; and, as was well known, he had generally predicted, step by step, the consequences that would follow from the financial experiments that had afflicted the country, beginning with that unfortunate and unnecessary measure, the removal of the deposits in 1834. It would be seen that he had no strong predilection for the State bank deposit system, though he admitted that it might have done, and still could do much better than heretofore, if the Executive would consent to let it alone, and cease the continual interferences by which the banks have been tormented, and the commerce of the country deranged, ever since the Executive had taken the control of the finances.

Mr. K. then proceeded to notice the plan of the committee as proposed to be amended. This he looked upon as a new experiment, though it had been alleged to be otherwise by the Senator from Missouri. The Senator insisted that we were ahead of our destiny, and ought to go back to the glorious days of the Roman empire to learn lessons on finance and political economy. This plan was strongly recommended as having been that under which the Roman *quæstors* made their mild exactions from the people. It was recommended most warmly by the Senator, because it was that under which the war levies of Napoleon were made, and the finances of Spain and Turkey collected and disbursed. Upon the first recommendation, the Senator had given us a most eloquent discourse upon Roman heroism; bloody battles, and the levies of the *quæstors*. He had spoken of the great pleasure with which he read Roman history on these subjects, and the delight with which he contemplated the renown of this great people. Well, Mr. K. said he had read some Roman history too, though certainly not as good a historian as his friend from Missouri. But if any thing in Roman history had made a strong impression upon his republican mind, it was the heartless cruelty, the unfeeling rigor, and pitiless tyranny with which exactions were made upon the people by the Roman *quæstors*; and, unfortunately for the Senator's Roman precedent, when these exactions had been made by plundering the Roman people and provinces to support heroism in the trade of conquering

and plundering the rest of mankind, these exactions were deposited with Roman bankers appointed for the purpose.

As the Roman precedent was not found exactly satisfactory to Mr. K., he proceeded to notice the system so warmly recommended as the plan of that great democrat and ardent lover of liberty and free institutions, the Emperor Napoleon. His friend from Missouri had stated that when the Emperor mounted the throne of power, he found the State coffers empty, or nearly so; but in a short time they were filled to overflowing. Thereupon the Senator produced a book, or a document, to prove the important fact. The fact was not doubted; but how were these wonders of finance accomplished? Let his impoverished country and the blood and tears of unhappy Germany answer the question. However, perhaps the financiering of this great economist was strongly recommended from the fact that the largest and most timely accession to his finances was made by the robbery of a bank; and that too a bank belonging to one of the freest and most commercial cities of Europe.*

Mr. K. said he saw nothing in these imperial precedents, ancient or modern, very applicable or very captivating; and as he saw nothing in the happy and prosperous condition of the people of those free and commercial nations (Turkey and Spain) to excite his envy, he would rather consider this as a new and untried experiment, and digest it a little better before it was adopted. Mr. K. added, that the system was already in operation, as the changes proposed did not alter essentially the specie system adopted by the Executive since the suspension of specie payments. The postponement would give us a little more time to observe the workings of the system, and ascertain the wishes of the people. He was glad to see the finances restored to Congress, their lawful guardian, on almost any terms; but really they were in such a worthless and ragged condition, from Executive manipulation, that it was difficult to say what disposition had better be made of them.

Mr. K. said he doubted whether he ought to detain the Senate to say any thing upon the causes of the present distress, which had called Congress together. As this subject had been dwelt upon, however, by every speaker who had preceded him, and was certainly of great importance to the country, it was perhaps the duty of every member to give his views upon the subject. The subject, said he, is too important to be trifled with. It comes to the doors and dwellings, and reaches the bread and business of every citizen, of every condition; and I shall give my views, however unwillingly, uninfluenced by all personal friendships and party associations. Unless we ascertain the causes which have so strangely brought the country into its present distressed condition, in a time of profound peace, we shall neither

* Hamburgh.

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know how to apply present remedies nor avoid similar evils in future.

[Here Mr. King entered into an extended examination of the causes which produced the present distress, exploring for that purpose the financial and commercial operations of England as well as of the United States; and continued:]

Let us now return to the United States. In June, 1836, the ruin threatened by so large an accumulation of the public money, and the uses that were made of it, and the unsound state of the currency generally, was so manifest that all parties united in the opinion that something must be done with it. After full discussion and great deliberation, Congress, with uncommon unanimity, adopted the law to distribute the deposits among the States. Though no measure could be free from objection, this was certainly the wisest that could have been adopted in reference to the end proposed. It depleted the Treasury, and checked over-issues, by a public law, with full notice, easy terms, and ample time for its execution. The President was, unfortunately, opposed to it, and seemed determined, not only to use every means to prevent its efficiency, but to prevent its operation on the Western and South-western deposit banks, which, in fact, most needed its operation. With this view, he adopted the famous specie circular—a sort of order in council—though the identical measure had been a few days before proposed as a legislative measure, and, with almost perfect unanimity, rejected by the Senate.

The principal, perhaps only, object of this measure was to save from explosion some of the tottering deposit banks in the West and South-west, when they should be called on to comply with the deposit law, and surrender the public money. His object could not have been to prevent over-issues, such an object being inconsistent with his opposition to the deposit bill, which was certainly, of all others, the best conceived for that purpose. Whatever might have been the motive, the measure was an unwise and unfortunate one, deranging the whole internal commerce of the country, producing panic, breaking up exchanges, and destroying credit, at the very time, of all others, when the country should have been permitted to make the best of its resources, without violence or surprise.

Mr. K. said the United States Bank, though no longer in existence, had been the theme of every gentleman who had addressed the Senate. He should say no more of it than was necessary to justify and defend himself, and the numerous friends of the administration who had believed in the utility of that institution. His defence was fully justified; for, although that institution was established by the democratic party, every friend of it was placed, in sweeping denunciations, among aristocrats, rogues, and conspirators; ranked with the "Biddles and the

Barrings, and the banks," and set upon in full cry by dunces and demagogues, anxious only to turn attention from their own mischievous blunders and errors.

When he came to maturity, he said, he found the Bank of the United States in successful and happy operation. He learned its history, and found that it was established by the party to which he had always been attached, with the immortal Madison at their head; who after fatal experience had changed his opinion on the subject. This paternity recommended it, but reflection as well as experience convinced him of its great utility as a financial agent to the Government, as an aid to internal and external commerce, and a wholesome regulator of an otherwise unregulated paper system. As an original question, he was and ever had been opposed to the whole paper system, but the system certainly had many advantages in a free country, and moreover was fixed upon us, and no one generation either could or would bear the sacrifices it would cost to get rid of it. And (added he) the progress we should make in getting rid of the system and its abuses, by putting down the Bank of the United States, was predicted by me in the Senate in 1834. Sir, the great temperance president, or temperance reformer, Mr. Delavan, who sends us so many temperance papers, might just as well have undertaken to encourage the cause of temperance in which he is engaged, by breaking up one respectable grocery in Chestnut street, that he might raise up 500 grog shops in the Liberties, the villages, and the Western wilderness. He thought it the part of wisdom not to waste itself on impracticable extremes, but to secure the blessings of the system, and avoid as many of its evils as possible. This he thought was best effected by a national bank, with the aid of the Treasury. The vast extent of our country gave full time to such an institution to lop off redundancies and fill up deficiencies on notice of an irregularity in the currency, in any particular sections before the effect became general. It was clearly the interest of such an institution to perform these duties faithfully. Its own successful operation in a great measure depended on it; which was the best guaranty to the public that they would be so performed. He also believed that the money of the nation could be entrusted to no agency so little dangerous to liberty, or so unlikely to use it for political purposes. Experience proved the truth of this opinion. We had, again, the best of all security—that is, the security of interest. To engage in politics, or unite itself with a political party, is death to the institution. What evidence had been shown, or could be shown, that the bank ever hinted an interference with politics, until it supposed the Executive to make an overture for that purpose? In 1829 the Executive commenced a correspondence with the bank to procure a change in the president of the New Hampshire branch. He did not say that any

thing improper was intended by the Executive, but it was the first interference of the kind, and the bank supposed it to be an attempt to enlist it in politics, and unite the power of the bank with the power of the Government. It declined on the ground that the bank never had and could not now think of interfering in the politics of the country. The rest is known. The Message followed with a charge of what nobody had ever heard of before, and recommending a Treasury bank, uniting the power and patronage of a bank to that of the Government. From that time forth the Executive continued to struggle for the money power until it took possession of it in 1833, by the removal of the deposits. I only mention these facts, sir, to prove the great reluctance with which such an institution will always engage in politics. Its interest requires the custom and friendship of both political parties, and it cannot prosper against a war by either. The money power of the Treasury is great, let it be lodged where it will; but, for the reasons stated, I believe it is less in a national bank, connected with and dependent on the business of the country, than in any other. There was no danger of the political influence of a bank, if the Executive would let it alone. Some admitted that the bank had been improperly attacked, but that, being attacked, it had over-issued and otherwise mismanaged in its struggles for a recharter. This might be true to some extent; but, if so, it is more an objection to the direction than the institution, and might be prevented by a simple provision in the charter, which the old charter ought to have contained.

Sir, these are the opinions I have always entertained, and were the opinions of my then colleague, when I came into the Senate; they were known to our constituents. But as this was a matter of expediency, on which they had a right to judge, they expected to be, and shall be, represented; and their wishes, when I last heard from them, were against a national bank. In fact, although I believe it unfortunate that the old bank was destroyed, the question of establishing a new one, at this time, is a very different question. Under our anti-bank administration, the bank capital has been much more than doubled in a few years. Is it expedient to add to it? If so, the practicability of controlling it, by a national bank of permissible size, and the manner of doing it, are important questions. The present rate of exchange, too, would render it difficult to procure specie for the institution, and create a demand for it, that would, for the present, add to the distress. There were some other reasons that had been referred to, but which he could not, at this time, notice.

But, we are gravely told, sir, that the "Bank of the United States, with its 'still greater strength,' has not been able to prevent the present state of affairs; that it 'has not been able to check other institutions, or save itself.'"

This reference to the bank would have done very well for a party newspaper; but, I must confess, I was somewhat astonished to find it in a Message of the President of the United States. Can it be supposed that the most ignorant can be deceived by this catch at a mere name? Who ever thought of holding the Bank of the United States responsible for the currency, or as a financial regulator, after the withdrawal of its branches, or even after the removal of the deposits? What obligation was it under to the public, after the public had taken away the deposits and dispensed with its services? Was it under any very strong obligation, if it had the power, to aid the Executive in an experiment made at its expense, and intended for its destruction? I should think not; and to hold a State bank responsible because it is called "the Bank of the United States," is absolutely ridiculous. It has fallen into line with the multitude of State banks created under the late administration. It has supported his "policy" by importing specie on credit, that it might hatch more paper upon it. It has gloried in the confusion of the exchanges, by which it has made millions. In short, like the rest of the State banks, it has gone for making money; it has joined its fortunes with the State banks; it has borrowed specie like the State banks; has expanded with the State banks; has shaved with the State banks; has failed with the State banks, and is a State bank, and yet it is held responsible to the country as a national bank. Sir, it is no more a United States Bank, and not so much as the little Burlington bank, which produced such a happy effect with a modicum of the spoils sent to it, and pressingly sent for more to operate on the elections, "in anticipation of the wool clip." There is a United States Bank for ye, established by the Executive to prevent the public money from being employed to operate on the politics of the country!

Why, then, these valiant charges upon a ghost? this war upon a sign? these tilts upon a tombstone? They are about as useful, and about as rational, as the charges of the redoubtable Don Quixote upon the windmills.

In connection with these perpetual efforts to frighten us with ghosts and "things that are not," Mr. K. said he had never had his democratic feelings so shocked as they had been by a sentiment of the Senator from South Carolina, (Mr. CALHOUN,) warmly applauded by his friend near him, (Mr. STRANGE.) We were told that, though expedient, we should not make this State bank a depository, "because it would be a triumph over the Government!" What Government? The "Government" at the Hermitage, or the Government at the White House? These Governments were both, to be sure, supposed to be inimical to the present State bank, because they did not like Mr. Bidle, its president, who was formerly president of the national institution. But what had the Government to do with the present State

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institution? He had supposed, until lately, that the Government meant the legislative power, as established by the constitution; and, if the people, through their representatives, according to the forms of the constitution, should deem it expedient to make any State institution a depository, it would be no objection with him that either the ex-President or present Executive was supposed to be inimical to one of its officers. I do not propose (said he) to make this institution a depository, and nobody has proposed or thought of proposing it, so far as I know. Why, then, this war-whoop against it? To show our devotion to the supposed Executive will? "A change, what a change," has been produced in the tone of American feeling by these violent encroachments and recent triumphs of the Executive over the Legislative authority, in relation to the finances! All eyes are turned to the Executive. The spirit of our fathers has fled. The blood of '76 has run out. Sir, there have been more gray hairs brought upon the head of our youthful and vigorous republic in the last four years, than ought to have grown upon it in one entire century of quiet and peaceful administration, with the constitutional co-operation of the legislative departments.

My friends need not be astonished at the freedom with which I express these sentiments. They believe with me, they have acted with me. We have vainly stood up together against the will of the Executive. Our efforts have been impotent. We have been trampled under foot. The Executive has had his way, and we see the result. I only wish my friends to join me in making a firm stand, to teach the Executive that his friends are to be consulted in measures of such immense importance to the people as those by which our finances have been ruined. I have no idea of deserting them, sir; they need not apprehend that. I am only expressing freely sentiments I and they have entertained, and not very carefully concealed. I am a party man, sir. All I am as a politician I was made so by party. I have no sympathies with any other party except that with which I have always acted, and by which I have been honored. I respect my political opponents as my fellow-citizens, living under the same laws, subject to the same Government, and equally honest and patriotic with myself. But I differ with them in some of the essential and fundamental principles upon which our Government should be administered, and have nothing to ask, and nothing to expect from them.

I am a democrat, a real democrat. I do not make the profession *ad captandum*; I fear it is becoming rather unpopular; but my early habits and youthful associations made me so. In fact, the sentiment was planted in my heart by nature, cultivated by education, and approved by reason. I believe a democratic republic to be the most philosophical government, and best calculated to develop the ener-

gies and sustain the dignity of man, so long as the people have sufficient intelligence to qualify them for self-government. I, therefore, abhor tyranny and irresponsible power in every possible form in which it can be presented; whether it be presented in the hypocritical garb of republican homespun, or tinselled over in the glittering trappings of royalty. I go for a strict construction of the constitution, limited Executive patronage, and an economical administration of the Government; and you will never find me here, sir, with democracy and economy upon the lips, and tyranny and plunder in the heart. "I borrow no false liveries from heaven to serve the devil in."

Mr. K., after some further remarks, concluded this branch of the subject by saying, that he had full confidence that the President, when some present difficulties were removed, would administer his department with wisdom and patriotism, and he hoped and expected to be able to give him his feeble support. But he just wished to tell him now that, if he intended "to tread in the footsteps" of his predecessor, in trampling on the legislative authority, in the management of a subject of all others of the most importance to the people, he should feel it his duty to jostle him out of them. He never would consent (he said) to surrender the finances to the exclusive control of the Executive. If we did this, we should share the fate of every other nation who had submitted to Executive financiering: we should first become a nation of beggars, and then a nation of slaves.

Mr. K. said he had been led on to a length altogether unexpected to himself, and he feared tiresome to the Senate. Several other topics had been suggested by the remarks of other gentlemen, that he would like to touch, but he would dispense with them, and come to a conclusion, after a few words more upon the bill and amendment under consideration. As to the separation from the State banks as depositories, he conceived that a matter of no great consequence, if in the details we could provide safety to the money, and guard against too much patronage and expense. But the bill he thought imperfect and obscure on both these points. And when we had passed the bill, we should have but little idea of what we had done.

As to the amendment proposed, which restricted the receipts of the Government to gold and silver, he could never consent to think of it, without hearing from his constituents, so long as specie is not the common currency, used by the people in the business transactions of the country. They are never prepared with a currency not in common circulation, and would often and truly be reminded of the Roman quaestors, who were in the habit, among other acts of tyranny, of demanding particular kinds of money for the purposes of extortion. Here, 11,000 specie gatherers, demanding a currency not furnished the people by their own States,

or by the ordinary circulation, will give them more trouble than all their other pecuniary transactions, and, being different to the demands made upon them for State taxes, will give to the Federal Government an alien character of tyranny and oppression. He could not conceive, he said, of a measure better calculated to give to the Government of the Union the appearance of a foreign Government, and alienate the affections of the people from it, than the measure proposed.

Mr. RIVES rose, and said he would ask leave of the Senate to say a few words which he meant to say yesterday, but was prevented by the speaking of another Senator, (Mr. BENTON.) Mr. R. said he rose to protest against the manner in which this question had been, and continued to be, treated by the Senator from South Carolina. That gentleman argued as if there were some proposition before the Senate to re-establish the Bank of the United States, or to confer upon the existing Pennsylvania Bank of the United States some special and important privilege. But, sir, is there any question of that sort really before the Senate? The question presented by the proposition on your table is, whether the notes of banks generally, when they shall have resumed specie payments, ought not, under certain limitations, to be received in payment of the public dues, as they heretofore have been from the origin of the Government down to the present time, or whether they shall be altogether excluded in future, and nothing be received in payment of the public revenue but gold and silver? The question, then, is one which involves alike the whole eight hundred State banks in the Union, constituting that system of credit under which, whatever may have been its occasional excesses, the country has heretofore attained an unparalleled height of prosperity, and has no special reference whatever to the Bank of the United States.

It does seem to me, Mr. President, that this perpetual and gratuitous introduction of the Bank of the United States into this debate, with which it has no connection, as if to alarm the imaginations of grave Senators, is but a poor evidence of the intrinsic strength of the gentleman's cause. Much has been said of argument *ad captandum* in the course of this discussion. I have heard none that can compare with this solemn stalking of the ghost of the Bank of the United States through this hall to "frighten Senators from their propriety." I am as much opposed to that institution as the gentleman or any one else is or can be. I think I may say I have given some proofs of it. The gentleman himself acquits me of any design to favor the interest of that institution, while he says such is the necessary consequence of my proposition. The suggestion is advanced for effect, and then retracted in form. Whatever be the new-born zeal of the Senator from South Carolina against the Bank of the United States, I flatter myself that I stand in a posi-

tion that places me, at least, as much above suspicion of an undue leaning in favor of that institution as the honorable gentleman. If I mistake not, it was the Senator from South Carolina who introduced and supported the bill for the charter of the United States Bank in 1816; it was he, also, who brought in a bill in 1834, to extend the charter of that institution for a term of twelve years; and none were more conspicuous than he in the well-remembered scenes of that day, in urging the restoration of the Government deposits to this same institution. In every situation of public trust in which I have been placed I have been the constant and unvarying opponent of that institution; and in this body, in 1834, while the Senator from South Carolina, with his accustomed ability, was urging the restoration of the public deposits to it, (a triumph, indeed, over the Government of the country, which the honorable Senator now so bitterly deprecates,) I stood up here and resisted that measure with every faculty I possessed, and sacrificed, as is well known, my political existence to the force of my convictions on the subject; convictions which, I take leave to say, have strengthened with every day's observation and reflection since. When I recollect these things, it seems to me "strange, passing strange," that the Senator from South Carolina should now appear as the especial and sworn adversary of the Bank of the United States, while I am held up in the attitude of promoting the views and favoring the interests of that institution.

While I am up, (said Mr. R.) I beg leave to say a word in answer to an observation of the Senator from Missouri, (Mr. BENTON.) That gentleman said, if I wished to understand the true character of my proposition, I had only to look over my right shoulder, and see who were likely to support it. [Mr. CLAY, Mr. WEBSTER, and other gentlemen of the Opposition, sit in that direction from Mr. RIVES.] I thank God, Mr. President, that I have a higher rule of action on this floor than any consideration of who is, or who is not, to vote with me. I look at the merits of the proposition itself; and if it be for the good of the country, I go for it, whoever may vote with me or against me. If the Senator knows that I am to derive support to my proposition from gentlemen over my right shoulder, he knows more than I do. I have had no communication with any of those gentlemen, which authorizes me to expect their support. Many of them voted, during the last session, for the same proposition, in common with five-sixths of the friends of the administration, and they may do so again. I occupy the same position now that I did then. If other gentlemen have seen cause to change their views, I have not. On the contrary, the present condition of the country furnishes, in my estimation, new motives to bring forward the proposition, which then received nearly the unanimous sanction of both Houses of Congress. It is impossible that the banking insti-

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tutions of the country, on whose speedy return to specie payment the soundness of the currency and every other interest of society now depend, can rise up from their prostrate condition, without some measure of this sort. The people wish to see an end of this paper money, (properly so called when inconvertible into specie,) which the gentleman from Missouri so much deprecated. No one has a stronger sense of its evils and dangers than I have. But we shall in vain attempt to get rid of it, in my humble judgment, without some measure of the character I have proposed. I am unwilling to go back to my constituents without having first done something for the relief of the people, as well as the Government. I am unwilling that the American people shall witness an adjournment of this body without the passage of some measure of a healing and salutary character, in relation to the currency of the country.

When the sub-Treasury scheme was introduced into the House of Representatives in 1834, out of the meagre number of 33 votes it then received, there was but one friend of the administration who voted in favor of it. It was then denounced, under the auspices and in the name of the administration, as revolutionary, disorganizing, anti-republican, and tending to enlarge Executive power, and place in its hands the means of corruption. Believing now, as I did then, that such is the true character and tendency of the measure, I adhere to the ground taken by the republican party in 1834; and I will use every weapon which reason and argument can furnish in opposition to it. I, for one, will not be afraid to act with any individual, or any party, in resisting a scheme which, however it may be viewed by others, I firmly believe to be fraught with danger to the best interests of my country; and in doing so, so far from abandoning, I but maintain the more closely, my republican faith.

MR. CALHOUN said this attack of the Senator is very extraordinary. Yesterday, in the course of my argument, I endeavored to show that his proposition would inure to the benefit of the Pennsylvania Bank of the United States, and I stated my reasons. I believed he did not contemplate it in that light, but I did; and I said to the Senator, you hold out a powerful temptation to the banks. I stated that the strong banks, and they alone, would take the benefit of this measure, with the United States Bank at their head. Their predominating influence over every other bank was inevitable; and if they got it, they would hold it in *perpetuo*. They would make the necessary sacrifice in the resumption of specie payments, and this bill would serve as the motive; and, if Mr. Biddle tried, he would get it. And now, twenty-four hours afterwards, I am surprised at this storm of passion and personal attack, when I acquitted the gentleman of all improper intentions.

The gentleman says that in 1834 I was in favor of restoring the deposits. I was so; and

I now, as then, think they were unnecessarily and illegally removed, and that it was one of the accelerating causes of the catastrophe which he so much laments. New zeal! A new convert! I never made stronger declarations in my life of the banking system than at that time. I said the whole system was hostile to liberty. I was then in favor of the Bank of the United States; but not so as to qualify my position relative to banking. I went farther, and told the Senator and others, your system will fail if you retain a connection with the banks; there must be a Bank of the United States. With me the question of bank or no bank had reference to the whole banking system. Has he any foundation on which he can now call me a convert? No, sir, I have seen, not for four, but fourteen years, that the issue must be that the banks will be the Government, or the Government the banks; that, by the constant tendency to increase the issues of paper, the banks or the Government must be prostrated. I hardly expected to see that issue in my day; but come I knew and declared it would, sooner or later; and when the question should arise, it would be the greatest of modern times. I would lay a hundred to one, if the Senator's bill should pass, the United States Bank will monopolize its benefits. Of his remarks I will only say that they were unworthy of him, and the State from which he comes.

MR. BENTON. The Senator from Virginia (Mr. RIVES) repeats what has been often told, and answered, that the friends of the administration voted in a body against Mr. GORDON's sub-Treasury proposition in 1834. They did so, and for a reason both notorious and good at that time, but not good now. The administration could not cut loose from the local banks then; they were allies against the Bank of the United States, and, as such, had to be saved. They were the "*Half-way House*" in getting from the National bank to the sub-Treasury; and, as such, had to be maintained. They are no longer allies, or a half-way station, but foes and deserters. They have cut loose from the government, and are weight in favor of a national bank; and as such the government is now done with them. It was expedient to maintain the connection in 1834: it is expedient to let it remain dissolved now.

MONDAY, September 25.

Sub-Treasury Bill.

The Senate resumed the consideration of the bill imposing additional duties, as depositories of the public moneys, on certain officers of the General Government; together with Mr. CALHOUN's and Mr. BENTON's amendments.

MR. CLAY commenced by observing that, feeling an anxious desire to see some effectual plan presented to correct the disorders in the currency, and to restore the prosperity of the country, he had avoided precipitating himself

into the debate now in progress, that he might attentively examine every remedy that should be proposed, and impartially weigh every consideration urged in its support. No period had ever existed in this country, in which the future was covered by a darker, denser, or more impenetrable gloom. None, in which the duty was so imperative to discard all passion and prejudice, all party ties, and previous bias, and look exclusively to the good of our afflicted country. In one respect—and he thought it a fortunate one—our present difficulties are distinguishable from former domestic troubles, and that is their universality. They are felt, it is true, in different degrees, but they reach every section, every State, every interest, almost every man in the Union. All feel, see, hear, know their existence. As they do not array, like our former divisions, one portion of the confederacy against another, it is to be hoped that common sufferings may lead to common sympathies and common counsels, and that we shall, at no distant day, be able to see a clear way of deliverance. If the present state of the country were produced by the fault of the people; if it proceeded from their wasteful extravagance and their indulgence of a reckless spirit of ruinous speculation; if public measures had no agency whatever in bringing it about, it would nevertheless be the duty of Government to exert all its energies and to employ all its legitimate powers to devise an efficacious remedy. But if our present deplorable condition has sprung from our rulers; if it is to be clearly traced to their acts and operations, that duty becomes infinitely more obligatory; and Government would be faithless to the highest and most solemn of human trusts should it neglect to perform it. And is it not too true that the evils which surround us are to be ascribed to those who have had the conduct of our public affairs?

In glancing at the past, (continued Mr. C.,) nothing can be further from my intention than to excite angry feelings, or to find grounds of reproach. It would be far more congenial to my wishes that, on this occasion, we should forget all former unhappy divisions and animosities. But, in order to discover how to get out of our difficulties, we must ascertain, if we can, how we got into them.

Prior to that series of unfortunate measures which had for its object the overthrow of the Bank of the United States, and the discontinuance of its fiscal agency for the Government, no people upon earth ever enjoyed a better currency, or had exchanges better regulated, than the people of the United States. Our monetary system appeared to have attained as great perfection as any thing human can possibly reach. The combination of United States and local banks presented a true image of our system of General and State Governments, and worked quite as well. Not only within the country had we a local and a general currency, perfectly sound; but, in whatever

quarter of the globe American commerce had penetrated, there also did the bills of the Bank of the United States command unbounded credit and confidence. Now we are in danger of having fixed upon us, indefinitely as to time, that medium—an irredeemable paper currency, which, by the universal consent of the commercial world, is regarded as the worst. How has this reverse come upon us? Can it be doubted that it is the result of those measures to which I have adverted? When at the very moment of adopting them, the very consequences which have happened were foretold as inevitable, is it necessary to look elsewhere for their cause? Never was prediction more distinctly made; never was fulfilment more literal and exact.

Let us suppose that those measures had not been adopted; that the Bank of the United States had been rechartered; that the public deposits had remained undisturbed; and that the Treasury order had never issued: is there not every reason to believe that we should be now in the enjoyment of a sound currency; that the public deposits would be now safe and forthcoming; and that the suspension of specie payments in May last would not have happened?

The Message, to reconcile us to our misfortunes, and to exonerate the measures of our own Government from all blame in producing the present state of things, refers to the condition of Europe, and especially to that of Great Britain. It alleges, that “in both countries we have witnessed the same redundancy of paper money, and other facilities of credit; the same spirit of speculation; the same partial successes; the same difficulties and reverses; and, at length, nearly the same overwhelming catastrophe.”

Whatever of embarrassment Europe has recently experienced may be satisfactorily explained by its trade and connection with the United States. The degree of embarrassment has been marked, in the commercial countries there, by the degree of their connection with the United States. All, or almost all, the great failures in Europe have been of houses engaged in the American trade. Great Britain, which, as the Message justly observes, maintains the closest relations with us, has suffered most; France next, and so on, in the order of their greater or less commercial intercourse with us. Most truly was it said by the Senator from Georgia, that the recent embarrassments of Europe were the embarrassments of a creditor, from whom payment was withheld by the debtor, and from whom the precious metals have been unnecessarily withdrawn by the policy of the same debtor.

Since the intensity of suffering, and the disastrous state of things in this country, have far transcended any thing that has occurred in Europe, we must look here for some peculiar and more potent causes than any which have been in operation there. They are to be found

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in that series of measures to which I have already adverted.

1st. The veto of the bank.

2d. The removal of the deposits, with the urgent injunction of Secretary Taney upon the banks to enlarge their accommodations.

3d. The gold bill, and the demand of gold for the foreign indemnities.

4th. The clumsy execution of the deposit law; and

5th. The Treasury order of July, 1836.

[Here Mr. CLAY went into an examination of these measures to show that the inflated condition of the country, the wild speculations, which had risen to their height when they began to be checked by the preparations of the local banks necessary to meet the deposit law of June, 1836, the final suspension of specie payments, and the consequent disorders in the currency, commerce, and general business of the country, were all to be traced to the influence of the measures enumerated. All these causes operated immediately, directly, and powerfully upon us, and their effects were indirectly felt in Europe.]

The Message inquires to the deposit law an agency in producing the existing embarrassments. This is a charge frequently made by the friends of the administration against that law. It is true, that the banks having increased their accommodations, in conformity with the orders of Secretary Taney, it might not have been convenient to recall and pay them over for public use. It is true, also, that the manner in which the law was executed by the Treasury Department, transferring large sums from creditor to debtor portions of the country, without regard to the commerce or business of the country, might have aggravated the inconvenience. But what do those who object to the law think ought to have been done with the surpluses which had accumulated, and were daily augmenting to such an enormous amount in the hands of the deposit banks? Were they to be incorporated with their capitals, and remain there for the benefit of the stockholders? Was it not proper and just that they should be applied to the uses of the people from whom they were collected? And whenever and however taken from the deposit banks, would not inconvenience necessarily happen?

The great evil under which the country labors is the suspension of the banks to pay specie, the total derangement in all domestic exchanges, and the paralysis which has come over the whole business of the country. In regard to the currency, it is not that a given amount of bank notes will not now command as much as the same amount of specie would have done prior to the suspension; but it is the future, the danger of an inconvertible paper money being indefinitely or permanently fixed upon the people, that fills them with apprehensions. Our great object should be to re-establish a sound currency, and thereby to restore

the exchanges and revive the business of the country.

The first impression which the measures brought forward by the administration make, is, that they consist of temporary expedients, looking to the supply of the necessities of the Treasury; for so far as any of them possess a permanent character, its tendency is rather to aggravate than alleviate the sufferings of the people. None of them purpose to rectify the disorders in the actual currency of the country; but the people, the States, and their banks, are left to shift for themselves as they may or can. The administration, after having intervened between the States and their banks, and taken them into the federal service, without the consent of the States; after having puffed and praised them; after having brought them, or contributed to bring them, into their present situation, now suddenly turns its back upon them, leaving them to their fate! It is not content with that; it must absolutely discredit their issues. And the very people who were told by the administration that these banks would supply them with a better currency, are now left to struggle as they can with the very currency which the Government recommended to them, but which it now refuses itself to receive!

The professed object of the administration is to establish what it terms the currency of the constitution, which it proposes to accomplish by restricting the Federal Government, in all receipts and payments, to the exclusive use of specie, and by refusing all bank paper, whether convertible or not. It disclaims all purposes of crippling or putting down the banks of the States; but we shall better determine the design or the effect of the measures recommended, by considering them together as one system.

1. The first is the sub-Treasuries, which are to be made the depositories of all the specie collected and paid out for the service of the General Government, discrediting and refusing all the notes of the States, although payable and paid in specie.

2. A bankrupt law for the United States, levelled at all the State banks, and authorizing the seizure of the effects of any of them that stop payment, and the administration of their effects under the federal authority exclusively.

3. A particular law for the District of Columbia, by which all the corporations and people of the District, under severe pains and penalties, are prohibited from circulating, sixty days after the passage of the law, any paper whatever, not convertible into specie on demand, and are made liable to prosecution by indictment.

4. And lastly, the bill to suspend the payment of the fourth instalment to the States, by the provisions of which the deposit banks indebted to the Government are placed at the discretion of the Secretary of the Treasury.

It is impossible to consider this system without perceiving that it is aimed at, and, if carried

out, must terminate in the total subversion of the State banks; and that they will be all placed at the mercy of the Federal Government. It is in vain to protest that there exists no design against them. The effect of these measures cannot be misunderstood.

And why this new experiment or untried expedient? The people of this country are tired of experiments. Ought not the administration itself to cease with them. Ought it not to take warning from the events of recent elections? Above all, should not the Senate, constituted as it now is, be the last body to lend itself to further experiments upon the business and happiness of this great people? According to the latest expression of public opinion in the several States, the Senate is no longer a true exponent of the will of the States or of the people. If it were, there would be thirty-two or thirty-four whigs to eighteen or twenty friends of the administration.

We are told that it is necessary to separate, divorce the Government from the banks. Let us not be deluded by sounds. Senators might as well talk of separating the Government from the States, or from the people, or from the country. We are all—people—States—Union—banks, bound up and interwoven together, united in fortune and destiny, and all, all entitled to the protecting care of a parental Government. You may as well attempt to make the Government breathe a different air, drink a different water, be lit and warmed by a different sun from the people! A hard-money Government and a paper-money people! A Government, an official corps—the servants of the people—glittering in gold, and the people themselves, their masters, buried in ruin, and surrounded with rags.

No prudent or practical Government will in its measures run counter to the long-settled habits and usages of the people. Religion, language, laws, the established currency and business of the whole country, cannot be easily or suddenly uprooted. After the denomination of our coin was changed to dollars and cents, many years elapsed before the old method of keeping accounts, in pounds, shillings, and pence, was abandoned. And, to this day, there are probably some men of the last century who adhere to it. If a fundamental change becomes necessary, it should not be sudden, but conducted by slow and cautious degrees. The people of the United States have always been a paper-money people. It was paper money that carried us through the Revolution, established our liberties, and made us a free and independent people. And, if the experience of the revolutionary war convinced our ancestors, as we are convinced, of the evils of an irredeemable paper medium, it was put aside only to give place to that convertible paper which has so powerfully contributed to our rapid advancement, prosperity, and greatness.

The proposed substitution of an exclusive metallic currency, to the mixed medium with

which we have been so long familiar, is forbidden by the principles of eternal justice. Assuming the currency of the country to consist of two-thirds of paper and one of specie; and assuming also that the money of a country, whatever may be its component parts, regulates all values, and expresses the true amount which the debtor has to pay to his creditor, the effect of the change upon that relation, and upon the property of the country, would be most ruinous. All property would be reduced in value to one-third of its present nominal amount; and every debtor would, in effect, have to pay three times as much as he had contracted for. The pressure of our foreign debt would be three times as great as it is, whilst the six hundred millions, which is about the sum now probably due to the banks from the people, would be multiplied into eighteen hundred millions.

But there are some more specific objections to this project of sub-treasuries, which deserve to be noticed. The first is its insecurity. The sub-treasurer and his bondsmen constitute the only guaranty for the safety of the immense sums of public money which pass through his hands. Is this to be compared with that which is possessed through the agency of banks? The collector, who is to be the sub-treasurer, pays the money to the bank, and the bank to the disbursing officer. Here are three checks; you propose to destroy two of them, and that most important of all, the bank, with its machinery of president, directors, cashier, teller, and clerks, all of whom are so many sentinels. At the very moment when the Secretary of the Treasury tells us how well his sub-Treasury system works, he has communicated to Congress a circular, signed by himself, exhibiting his distrust in it; for he directs, in that circular, that the public moneys, when they amount to a large sum, shall be specially deposited with those very banks which he would repudiate. In the State of Kentucky, (other gentlemen can speak of their respective States,) although it has existed but about forty-five years, three treasurers, selected by the Legislature for their established characters of honor and probity, proved faithless. And the history of the delinquency of one is the history of all. It commenced in human weakness, yielding to earnest solicitations for temporary loans, with the most positive assurances of a punctual return. In no instance was there originally any intention to defraud the public. We should not expose poor weak human nature to such temptations. How easy will it be, as has been done, to indemnify the sureties out of the public money, and squander the residue?

2. Then there is the liability to favoritism. In the receipts, a political partisan or friend may be accommodated in the payment of duties, in the disbursement, in the purchase of bills, in drafts upon convenient and favorable offices, and in a thousand ways.

3. The fearful increase of Executive patron-

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age. Hundreds and thousands of new officers are to be created; for this bill is a mere commencement of the system, and all are to be placed under the direct control of the President.

The Senator from South Carolina (Mr. CALHOUN) thinks that the Executive is now weak, and that no danger is to be apprehended from its patronage. I wish to God I could see the subject in the same light that he does. I wish that I could feel free from that alarm at Executive encroachments by which he and I were so recently animated. When and how, let me ask, has that power, lately so fearful and formidable, suddenly become so weak and harmless? Where is that corps of one hundred thousand office-holders and dependants whose organized strength, directed by the will of a single man, was lately held up in such vivid colors and powerful language by a report made by the Senator himself? When were they disbanded? What has become of proscription? Its victims may be exhausted, but the spirit and the power which sacrificed them remain unsubdued. What of the dismissing power? What of the veto? Of that practice of withholding bills, contrary to the constitution, still more reprehensible than the abuses of the veto? Of Treasury orders, put in force and maintained in defiance and contempt of the legislative authority? And, although last, not least, of that expunging power which degraded the Senate, and placed it at the feet of the Executive?

Which of all these enormous powers and pretensions has the present Chief Magistrate disavowed? So far from disclaiming any one of them, has he not announced his intention to follow in the very footsteps of his predecessor? And has he not done it? Was it against the person of Andrew Jackson that the Senator from South Carolina so ably co-operated with us? No, sir, no, sir, no. It was against his usurpations, as we believed them; against his arbitrary administration; above all, against that tremendous and frightful augmentation of the power of the Executive branch of the Government, that we patriotically but vainly contended. The person of the Chief Magistrate is changed, but there stands the Executive power, perpetuated in all its vast magnitude, undiminished, reasserted, and overshadowing all the other departments of the Government. Every trophy which the late President won from them now decorates the Executive mansion. Every power which he tore from a bleeding constitution, is now in the Executive armory, ready, as time and occasion may prompt the existing incumbent, whoever he may be, to be thundered against the liberties of the people.

Whatever may have been the motives or the course of others, I owe it to myself and to truth to say, that, in deprecating the election of General Andrew Jackson to the office of Chief Magistrate, it was not from any private considerations, but because I considered it would be a great calamity to my country; and that,

in whatever opposition I made to measures of his administration, which more than realized my very worst apprehensions, I was guided solely by a sense of public duty. And I do now declare my solemn and unshaken conviction that, until the Executive power, as enlarged, extended, and consolidated by him, is reduced within its true constitutional limits, there is no permanent security for the liberties and happiness of this people.

4. Lastly, pass this bill, and whatever divorce its friends may profess to be its aim, that perilous union of the purse and the sword, so justly dreaded by our British and Revolutionary ancestors, becomes absolute and complete. And who can doubt it who knows that over the Secretary of the Treasury at Washington, and every sub-Treasurer, the President claims the power to exercise uncontrolled sway? To exact implicit obedience to his will?

The Message states that, in the process both of collection and disbursement of the public revenue, the officers who perform it act under the Executive commands; and it argues that, therefore, the custody also of the Treasury might as well be confided to the Executive care. I think the safer conclusion is directly opposite. The possession of so much power over the national treasure is just cause of regret, and furnishes a strong reason for diminishing it, if possible, but none for its increase, none for giving the whole power over the purse to the Chief Magistrate.

Entertaining the views which I have presented, it may be asked why I do not at once propose the establishment of a national bank. I have already adverted to the cause. Constituted as Congress now is, I know that such a proposition would be defeated; and that it would be therefore useless to make it. I do not desire to force upon the Senate, or upon the country, against its will, if I could, my opinion, however sincerely and strongly entertained. If a national bank be established, its stability and its utility will depend upon the general conviction which is felt of its necessity. And until such a conviction is deeply impressed upon the people, and clearly manifested by them, it would, in my judgment, be unwise even to propose a bank.

Of the scheme of the Senator from Virginia (Mr. RIVES) I think now as I thought in 1834. I do not believe that any practicable connection of State banks can supply a general currency, be a safe depository of the public moneys, or act efficiently as a fiscal agent of the General Government. I was not then opposed to the State banks in their proper sphere. I thought that they could not be relied upon to form exclusively a banking system for the country, although they were essential parts of a general system.

The amendment of the Senator, considered as a measure to bring about the resumption of specie payments, so much desired, I think must fail. The motive which it holds out of the

receivability in all payments to the Government, of the paper of such banks as may resume by a given day, coupled with the conditions proposed, is wholly inadequate. It is an offer to eight hundred banks; and the revenue payment of which in their notes is held out as the inducement, amounts to some twenty or twenty-five millions. To entitle them to the inconsiderable extension of their circulation, which would result from the credit given by Government to the paper of all of them, they are required to submit to a suppression of all notes below five dollars, and at no very distant period to all below twenty. The enlargement of their circulation, produced by making it receivable by Government, would be much less than the contraction which would arise from the suppression of the prohibited notes. Besides, if the quality proposed again to be attached to the notes of these local banks was insufficient to prevent the suspension, how can it be efficacious enough to stimulate a resumption of specie payments?

I shall, nevertheless, if called upon to give a vote between the project of the administration and the amendment of the Senator from Virginia, vote for the latter, because it is harmless, if it effects no good, and looks to the preservation of the State banks; whilst the other is fraught with mischiefs, as I believe, and tends, if it be not designed, to the utter destruction of those institutions. But, preferring to either the postponement moved by the Senator from Georgia, I shall, in the first instance, vote for that.

Such, Mr. President, are the views which I entertain on the present state of our public affairs. It is with the deepest regret that I can perceive no remedy, but such as is in the hands of the people themselves. Whenever they shall impress upon Congress a conviction of that which they wish applied, they will obtain it, and not before. In the mean time, let us go home and mix with and consult our constituents. And do not, I entreat you, let us carry with us the burning reproach, that our measures here display a selfish solicitude for the Government itself, but a cold and heartless insensibility to the sufferings of a bleeding people.

When Mr. CLAY had concluded his remarks,

The question was taken on Mr. KING's motion to postpone the bill until December next, and decided in the negative, as follows:

YEAS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Kent, King of Georgia, Knight, McKean, Nicholas, Prentiss, Robbins, Ruggles, Smith of Indiana, Spence, Tipton, Webster, White, Williams—19.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Morris, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Smith of Connecticut, Strange, Tallmadge, Walker, Wall, Wright, Young—27.

On motion of Mr. WRIGHT, the action on the

sub-Treasury bill was informally suspended till to-morrow, by unanimous consent, and the two following bills were successively taken up and ordered to be engrossed for a third reading, viz:

The bill to remit the duties on certain goods destroyed by the great fire in New York; and

The bill making further provision for the suppression of Indian hostilities for 1837.

Mr. WRIGHT further stated, that though he was anxious for the bill authorizing the deposit of merchandise in public stores to be acted on without delay, yet, as the Senator from South Carolina (Mr. CALHOUN) had expressed a wish for its further postponement, unless the Senate wished otherwise, he should pass it by at present, and call it up in a few days.

TUESDAY, September 26.

A National Bank.

The Senate, on motion of Mr. WRIGHT, proceeded to the consideration of the following resolution, reported by the Committee on Finance, on petitions from New Orleans, St. Louis, and other quarters, for a United States bank.

“Resolved, That the prayer of the petitioners ought not to be granted.”

Mr. CLAY, of Kentucky, said he did not see much utility in acting on a negative resolution of this kind. He recollected but one example of a similar resolution, and that was during the session of Congress when the declaration of the late war was made against Great Britain. The resolution was offered by that most extraordinary man, now no more, Mr. Randolph, of Virginia. Learning that the Message of Mr. Madison to Congress would recommend a declaration of war, he rose in his place, two or three days before it was presented, and offered a resolution similar to this, that it was inexpedient to declare war against Great Britain. It was, however, got rid of, in some way or other, without a vote upon it.

Mr. C. did not think, as he had declared yesterday, that it was expedient to express any opinion on this subject at this time; and he would submit it to gentlemen whether it were not better that it should lie on the table. He thought there would be no difference of opinion as the resolution now stood under present circumstances. Mr. C. thought they had better not now establish a bank of the United States, much as it appeared to be necessary to relieve the country. But, if it was not to be laid on the table, Mr. C. moved to amend it by the following substitute:

Resolved, That it will be expedient to establish a United States bank whenever it shall be manifested that a clear majority of the people of the United States are in favor of such an institution.

On this he called for the yeas and nays; which were ordered.

After debate, the question was taken on each

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proposition, and on Mr. CLAY's substitute first, which was rejected by the following vote :

YEAS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Davis, Kent, Knight, Prentiss, Robbins, Smith of Indiana, Spence, Swift, Webster—14.

NAYS.—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Morris, Nicholas, Niles, Norvell, Rives, Roane, Robinson, Smith of Connecticut, Strange, Tallmadge, Walker, Wall, White, Williams, Wright, Young—26.

The original resolution as reported by the committee, was then adopted, as follows :

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, McKean, Morris, Nicholas, Niles, Norvell, Pierce, Rives, Roane, Robinson, Smith of Connecticut, Strange, Tallmadge, Walker, Wall, White, Williams, Wright, Young—31.

NAYS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Kent, Knight, Prentiss, Robbins, Smith of Indiana, Spence, Swift, Tipton, Webster—14.

WEDNESDAY, September 27.

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The bill imposing additional duties on public officers, making them depositaries of the public revenue, together with Mr. CALHOUN's amendment thereto, being taken up,

[Mr. Walker followed Mr. Clay, and replied to him, point by point, on all the causes alleged by him as producing the present distress ; and then proceeded :]

But the Senator from Kentucky tells us that the bill under consideration would increase Executive patronage. Now, the bill creates no additional officers ; it gives to the President no additional control over the existing officers ; it merely imposes additional duties upon existing officers, requiring them not only to receive, but to keep safely, without use or loan, till the period of disbursement, the public moneys. I can see here no increase of Executive patronage. But this question must be examined by comparison with the proposed substitute, namely, a re-adoption of the deposit bank system. Now, no argument has heretofore been more strongly urged by the opponents of the administration, than the vast and increasing patronage the deposit bank system would confer upon the President of the United States. These banks were denominated pet banks—the President's banks—and again and again was it said that the late President desired to retain the surplus in these banks, (these miserable deposit banks, as they were then expressly called by the Senator from Kentucky,) with a view to influence the approaching election. Nor was this argument confined to this chamber ; but in

the House of Representatives, at the last session, a committee was raised by the opposition to prove, among other things, the corrupt and corrupting influence of the deposit bank system, as connected with the agent of that system, and the Treasury Department. It would be really amusing to read some of the speeches of the opposition members at that period, denouncing the corrupting influences of the deposit bank system, and the vast patronage it conferred upon the Secretary of the Treasury. I have not time to read these speeches to the Senate ; but, from the documents presented by this committee, I will refer to two letters by them published. The first is from the cashier of the deposit Bank of Burlington, Vermont, under date of January 25, 1836. The cashier says : " Being located in the same place where a branch of the United States Bank was established, and as we are a deposit bank, when the branch here discontinued its operations, the public seemed to expect that we could at once afford the same facilities and accommodations that they enjoyed when the branch was doing business. There has been, on the part of our directors, a desire to meet this expectation ; and the consequences have been that a very sensible change has taken place, politically, in favor of the Government : and, as it is our desire to strengthen that sentiment, we feel that it is important to afford our farmers and merchants, the coming spring, a pretty extensive accommodation, in anticipation of the wool clip."

Here the sensible political change in favor of the Government, produced by this bank depositary, is clearly stated, and the importance of augmenting it, by enabling the bank to discount more freely on the Government deposits, is strongly urged by the cashier of the bank. I might detain the Senate for weeks by quotations from similar letters ; but only make one other reference. It is to the letter of the president, directors, and cashier of the Seventh Ward Bank of New York to the Secretary of the Treasury, dated December 16, 1833, and is as follows :

" We, the subscribers, officers and directors in the Seventh Ward Bank, in the city of New York, friends of the administration, and of the revered chief at the head of the Government, do solicit a portion of the fiscal patronage of the United States Treasury for the Seventh Ward Bank ; the terms as those most favorable to the Government."

Can any man peruse this letter without feelings of loathing and disgust ?—yet it is from fourteen of the most respectable bankers of our great commercial metropolis. Does it not demonstrate the dangerous tendencies and influences of this deposit bank system ? An entire bank, through all its officers and directors, soliciting " a portion of the fiscal patronage of the United States Treasury," on the grounds that they were " friends of the administration ! " This report, published in March last, containing

these documents, I never perused till after the close of the last session of Congress. The deposit bank system, it is well known, in Mississippi was, in its origin, no favorite measure of mine; in fact, it was the first measure of our patriotic President to which I had ever expressed any dissent; and I only afterwards gave it my reluctant assent as an alternative to what the developments of the spring of 1834 demonstrated to be a greater evil, and still more dangerous measure, the establishment of any bank of the United States. But who can peruse these letters, and deny, in the face of the American people, that this deposit bank system did enormously increase the power and fiscal patronage of the Government, and that in the hands of a corrupt Secretary, and aspiring President, it might be made a political engine of the most dangerous and alarming character? That it was not so used, or attempted to be used, by our venerable President, or incorruptible Secretary, is proved by the documents accompanying the reports to which I have referred; but that it was susceptible of such abuse is also as clearly demonstrated. And what is the extent of this "fiscal patronage?" Why, by the last return of the Secretary of the Treasury we see, under the last law, the number of deposit banks increased to eighty-nine, with upwards of eighty millions of capital, and discounts of notes and bills of exchange amounting to one hundred and thirty millions of dollars; and this immense moneyed power was subjected to the influence and control of the Secretary of the Treasury: for the whole bank correspondence will clearly demonstrate that many of these banks, from time to time, owed their very existence to the forbearance of the Secretary of the Treasury, and that often a Treasury draft or transfer warrant would have reduced them to a state of bankruptcy. True it is, that all of the deposit banks could not thus have been destroyed by the Secretary; yet the profits of all would be greatly influenced by the amount of revenue he deposited with, or withdrew from them. What, then, was this power? It was a power over eighty-nine of the strongest confederated banks in the Union, with this enormous amount of loans and capital, and with stockholders, debtors, and customers, at least one hundred thousand in number, all affected by the movements of the Secretary of the Treasury in the distribution or withdrawal of the deposits. In May last, the Secretary of the Treasury had necessarily distributed among these institutions more than thirty millions of public deposits. What a tremendous extent of power and patronage! Why, sir, it was almost the lever of Archimedes; and, if this system had gone on progressing and augmenting, soon, very soon, the banks, by their power, must have controlled the Government, or the Government controlled the banks. And now, when the President proposes to surrender all this money, and power, and patronage, to dissolve this dangerous connection

between the banks and the Government, shall he be opposed in this measure by those who so lately denounced the whole deposit bank system as the very climax of political corruption? And what do we see now? Why, this career of illimitable discounts by banks on Government deposits is closed for the present, and the still more dangerous attitude is exhibited, in which it is but too probable that very many of the banks may soon be sued by the Government to recover the public moneys, or rather the States that own in whole or in part so many of these banks, and the debtors that owe them; for, as the banks can only collect their moneys by suits against their debtors, to sue the banks at present is to sue the people. It was in view of this state of facts that I succeeded, a few days since, in prolonging the time given to the deposit banks to make payment to the Government from two, five, and eight, to four, six, and nine months, being the longest extension I could obtain for them; and, upon payment of the first instalment, the two last ought to be, and I hope will be, still further prolonged at the next session. But I could not but feel humiliated, by the reflection that so many of my most worthy constituents—including two of our largest State institutions, and the State itself the principal proprietor of one of them—should be placed in a position in which a suit against any of them could in any event be resorted to—a position arising out of this most unholy connection between the banks and the Treasury—a connection of unmixed evils, disastrous to the banks, the States, the people, and the Government.

Well, then, may the Senator from South Carolina, (Mr. CALHOUN,) who has on this floor so repeatedly opposed the augmentation of Executive power—well may he support the bill now under consideration; because it not only adds nothing to Executive patronage, but takes from it that alarming patronage and power that it could have acquired through the deposit bank system. Sir, the Senator from South Carolina is right; and I hail him back with pleasure, on this question, to the ranks of the democracy, of which he was so long the pride and ornament, when in March, 1824, I assisted in the great democratic convention of my native State in nominating him upon the Jackson ticket for the second office in the gift of the people. Sir, if he can go no further with us, let him at least aid us in breaking down this overshadowing Executive power, this dangerous and corrupting fiscal patronage, growing out of this unhallowed confederacy of bank and State, throwing aside all other considerations, and sacrificing his personal prejudices on the altar of his country's good. Sir, I have heard much about Executive patronage as lurking in some of the features of this bill; but if it be so, it must be deeply concealed indeed, for no one has pointed out how it is accomplished. Vague and general denunciation we have indeed had, but how one iota of power or patronage will be conferred on the

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President by this bill, in addition to that which he already possesses, has not been designated; but were it so, the bank patronage, of which this bill deprives him, would be infinitely greater. The receivers, who are made depositories for safe-keeping only until disbursement, were already depositories until the transfer of the public moneys to the banks; and this bill only dispenses with one class of this double set of depositories—the banks. The machinery was thus made more complex and dangerous. The money collected by the Government from the people was not loaned out to the people who paid it, but deposited with banks, to be loaned out by them to bank favorites, and to increase the dividends of a few incorporated stockholders. The people were taxed for revenue, to be converted into bank capital, stimulating their over-issues, and rendering their condition more fluctuating and precarious. The fluctuation of banking business is bad enough under any circumstances. Why, then, should we augment their natural tendency to over-issue by Government deposits? Will not the banks issue enough of paper without this artificial stimulus? Why, then, should the Government inflate their issues, and drive them on more rapidly to explosion? Why not let them bank upon their own capital and their own credit, without depending upon the Government for both—for capital in Government deposits, and for credit in Government endorsement for all their notes, as receivable in revenue payments? Is it not seen that the most insolvent bank in the Union might thus be puffed by the Government into great and extensive temporary importance, and then, when the Government patronage was withdrawn, their depreciated paper fall dead and worthless in the hands of an unsuspecting community?

The President's Message is against the extension of Executive patronage. Its cardinal doctrine is this: "A limitation of the expenses of the Government to its actual wants, and of the revenue to those expenses." This, then, is the President's doctrine, openly avowed in his Message—reduce your expenses, reduce your revenues. This was the flag under which I have fought ever since entering this chamber; it is the flag under which I opposed your extravagant bills for local and sectional improvements; it is the principle I espoused at the first session of my service, contained in my resolution to reduce the revenue from the tariff and public lands to the wants of the Government. It is the great principle contained in the land bill proposed by me, reducing to settlers the price of the public lands, and confining the sales to them; it is the great principle upon which I relied for the reduction of the tariff, and especially the abolishing of the duty upon salt, that most odious duty upon light and heat, in forming salt from solar evaporation; and, lastly, it is the great principle upon which, at the first as well as the last session, I opposed, in every form, the surplus distribution policy,

that mother of tariffs, banks, and of the very catastrophe which now overwhelms us. Reduction of the expenses and of the revenue, economy in all public expenditures, and no "interference with the pursuits of the citizen." "No special favors to individuals or any classes of them, to create systems of agriculture, manufactures, or trade." These are the doctrines of the Message; and do they enlarge Executive patronage? How is Executive patronage enlarged? It is chiefly by extending the powers of this Government, and augmenting its revenues; for every increase of the powers and revenue of the Government, is an augmentation of the power of the Executive functionary. This the Message avoids; but what measures would the Senator from Kentucky give us to reduce Executive patronage? His policy would give us a quadruple alliance between the surplus, the bank, the tariff, and internal improvements, all certainly tending to, and terminating in, a national debt, to create a new tariff. The tariff to regulate the whole industry of the whole people of the Union, and build up vast manufacturing establishments by the extension and perversion of the taxing power of this Government. A great national bank, to grow rich upon the revenue deposited from the proceeds of the tariff, deriving its profits from Government moneys, and, of course, the ally of the administration which feeds and created it. The internal improvement policy, growing and extending with the increase of the tariff, and making roads and canals in some favored States, by taxes collected from the whole people; and, lastly, to give universality to the principle, the surplus—the annual surplus for distribution, from sales, by townships and counties at an entry, to speculators in the public lands—a system calculated to debauch and corrupt the States; to break down every feeling of State independence; to feed them annually, from the public Treasury, mere stipendiaries upon our bounty; supporting even their State Governments and State officers from the revenues of this Government. And at the head of this mighty system, this consolidation of all powers in this Government, would stand the Executive of those powers—the President of the United States, a monarch in every thing but a name. And, sir, this league of State banks, confederated by the Government, and fed by the tariff, increasing its deposits and profits, would be the next most potent ally of these systems. It would station some hundred bank fortresses throughout the States, armed and equipped by Government deposits, and extending Executive power and influence. All this President Van Buren would avoid. No, sir, no; it is not the principle or policy of this administration—Give us patronage and we will make ourselves popular.

But it has been said that this bill establishes, in fact, a Treasury bank. And why? Because, although these depositories can neither use nor loan the public moneys, where disbursements

are to be made at distant points, to avoid the expense and patronage arising from a new army of officers, constantly engaged in transporting the specie, drafts in payment of its dues may be drawn by the Government on these distant depositories—drafts drawn on actual deposits of gold and silver; and this is called a Treasury bank, and that too, by the advocates of the deposit bank system, by which Treasury drafts, checks, and warrants upon and by the banks may be drawn upon and by the deposit banks in the transactions of the Government. It is true, these drafts will constitute the best exchange in the world, and thus far operate incidentally for the great convenience and benefit of the people; but this is no objection to the system, for the Government neither loans nor discounts, but simply pays the public creditor in gold and silver, or an order upon a depository, on which he receives the specie.

But it is said this bill, separating the Government from the banks, will divorce the Government from the people. Are the banks the people? No, sir; this bill will elevate the people, and the Government of the people, and of the States, above the banks, and prevent them from arresting the Government, as they now do, by withholding the public revenue. It will have a still greater tendency to elevate the people above the banks, by diminishing, by its incidental operation, the amount of bank paper, and increasing the circulation of gold and silver—for the payment of it into the Treasury will be as constantly flowing out, enriching and fertilizing the whole country.

But the Senator from Virginia (MR. RIVES) says this bill will furnish one currency for the Government, and another for the people. Is it contended that the Government should take and pay out the broken bank notes and local shiplasters, because the people take them? No: the Senator from Virginia does not propose this, but only that we should receive the notes of banks that resume specie payments under the existing law. Now, what is that law? I find it embraced in the Senate journal under date of the 6th of April, 1836, as follows:

“The Senate resumed the consideration of the bill entitled ‘An act making appropriations for the payment of the revolutionary and other pensioners of the United States, for the year 1836.’

The following amendment, proposed by Mr. BENTON, being under consideration:

SEC. — *And be it further enacted*, That no bank note of less denomination than twenty dollars shall hereafter be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank note, of any denomination, be so offered, unless the same shall be payable, and paid, on demand, in gold and silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him.”

This provision was adopted, and is the law: the vote in the Senate being yeas 22, nays 13, my own vote being recorded in its favor. Now, this is the law, and the Senator from Virginia does not propose to change it. Now, are these bank notes that the Senator from Virginia would permit the Government to pay out and receive, actually “equivalent to specie, and convertible into gold or silver on the spot at the will of the holder, and without delay or loss to him?” Then the result of the law, as that Senator would have it remain, is the same in its operation in this respect as the bill now before us: gold and silver, or its full equivalent, being the effect of either system. But if this be not so, and these bank notes be in fact a baser currency than gold or silver, what right or power has this Government to force this baser currency upon the people by public disbursements, when this Government can make nothing but gold or silver a legal tender in the payment of debts? No, sir: the operation of this bill will be to improve the currency of the whole people by its incidental effects in diminishing bank paper issues, and enlarging, at least to that extent, the general circulation of gold and silver. But the deposit bank system will, indeed, force a doubtful and uncertain bank paper circulation upon the people, convertible into specie one day, and inconvertible and depreciated to-morrow.

We have been told that the terms divorce of Bank and State, as reminding the people of the divorce of church and State, are popular catchwords. I have not used these terms, although I firmly believe that the union of bank and State would soon prove as fatal to liberty as the union of church and State; but, let me ask, are not the terms used upon the other side—one currency for the people, and another for the Government, and the terms separating the Government from the people, mere popular catchwords, which will not bear, as we have seen, the slightest examination. It is said this bill will destroy credit, by impairing confidence in banks. Have not we had too much confidence in banks, and have they not proved the greatest and universal destroyers of all credit and all confidence? Yes, these very banks, by their expansions, contractions, and failures, destroyed all confidence and all credit, not only in themselves, but also between man and man, and almost between nation and nation. It is the banks that render prices, confidence, and credit, fluctuating and uncertain; and, before their existence, the page of history tells that confidence and credit, between man and man, were infinitely more universal, and that protest of bills of exchange and mercantile failures were then almost wholly unknown. Specie was not hoarded, nor credit withheld from honest industry, but universally extended, unchecked by that overthrow of all confidence and all credit, arising from expansions, contractions, and explosions of the bank paper system. We are told that confidence, confidence, is the magic

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word, and the Government has only to breathe into these banks the breath of confidence, and all will be well. Sir, if these banks, limited and restrained by the State Legislatures, ought to be continued, I would rather, by the ultimate incidental operation of this bill, push a little more of their paper out of circulation, and much more specie into the vaults, than all the false and delusive confidence that could be excited by the Government endorsement of eight hundred and twenty-three suspended State banks.

This Government's endorsement, with its mighty surplus deposited in State banks, has been the fruitful cause of nearly all our disasters, and I shall never attempt to renew them by re-adopting the system from which these evils flowed. The danger is not of our having too few banks, and too little paper, but precisely the reverse. To repress this evil tendency, should be the ultimate aim of every patriotic statesman. It is too many banks, and too much paper, that has involved us in too much debt, and more banks and more bank paper would only aggravate the evils.

The State banks, so far as regards their mere discontinuance immediately as Government depositories, will be precisely where they were before the removal of the deposits. And as to the exclusion of bank paper from revenue payments, it takes effect only in full on the 1st of January, 1842. The bill proceeds, as regards its operation on bank paper, by wise, salutary, cautious, and progressive steps, keeping in view the existing difficulties, and the necessity of abstaining from any measure calculated to injure or embarrass the people. The operation of this measure upon the banks is much less than is generally supposed. It is much less than the regulating and checking power claimed for the United States Bank; for that, if faithfully executed, would demand weekly balances in gold and silver or its equivalent, from all the State banks, not only for "their notes received in revenue payments," but also for "their notes received for the engagements to the bank," creating thus a double check upon their issues.

I have shown that this article never was or would be faithfully executed; but the precise ultimate effect upon State banks of this measure would be this: Supposing the annual public revenues to be twenty millions of dollars, of which six millions would be the average amount in Treasury depositories received for public dues, the banks would be required to check their issues so as always to be ready to furnish six millions of specie annually for revenue payments. Now, the entire moneyed transactions of this country in a year are estimated at twelve thousand millions of dollars, so that if the demand of the Government upon the banks for six millions be the criterion, it will be equal only to less than one per cent. of the moneyed transactions of the whole country; or if twenty millions, to less than two per cent. of these transactions, leaving all this vast field of trade and business open for the action of the banks.

They lose the Government deposits and Government credit, and are left to bank, as they ought, on their own capital and their own credit. But what is most important in separating the banks and the Government, is the separation of money, business, and politics, the fatal union of which must always be the fruitful source of panics and pressures.

Whilst, then, this measure, I sincerely believe, will have a most beneficial effect upon the whole country, it is to me an inexpressible gratification, that to the sunny South it will prove a fountain of wealth and prosperity. The war of over-expanded credit upon labor and its products, aided by a great national bank at some distant capital, or by the concentration at or near the same point of the great northern banking capital, sustained by the Government deposits and endorsements, must cease, and paper credit and the products of labor left a fair field, without artificial aid, will find labor and its products rising in the scale of importance and influence, and leaving the great staple States a fair opportunity of carrying out their own exports, and introducing their own imports, and the balances in gold and silver, the real, solid, substantial business of their banks being more safely augmented than all the ruinous aid they can ever receive from Government patronage. And now, sir, if the distinguished Senators opposed to the administration on this floor will go home to their constituents, and explain the full and precise effects of this measure, they can, in aiding the establishment of a sound credit on sound principles—aiding in inspiring a just confidence in the relief this great measure will ultimately extend to all the great interests of the country—they can have almost a moneyed millenium dawn upon the country at once. I appeal to them, then, as patriots, with hearts overflowing with sympathy for the distress of the country, as we have so repeatedly heard on this floor, to unite with us in producing this great, this glorious result; and the thanks of millions of grateful freemen will give them more real happiness, more genuine consolation, and more true and durable applause, than all the party triumphs that could adorn the proudest political conquerors. Let them imitate the noble example of the distinguished Senator and statesman from South Carolina, in laying down, in support of this bill, his personal and political prejudices, as a burnt offering upon the patriot's altar of his country's good, and for them, also, the swelling heart of a mighty nation will throb with love and gratitude. But should they esteem it their duty to determine otherwise—should their inspiring eloquence and great intellectual power be exerted in appeals to the people against this measure—should it be represented as a tropical tornado, about to sweep in its destructive career over all the great and cherished institutions of our common country, panics and pressures may follow for a time; but soon, yes, very soon, the great principles involved in this bill must and

will triumph, and it will then go forth with healing on its wings, hailed by the approving voice of the people. The measure itself will be justly viewed as a third declaration of American independence, and the day of its passage be celebrated in all time to come as a great and glorious national jubilee.

THURSDAY, September 28.

The Sub-Treasury Bill.

The Senate resumed the consideration of the bill providing for the collection and custody of the public revenue, together with Mr. CALHOUN's amendment thereto.

MR. WEBSTER said: Mr. President, I am opposed to the doctrines of the Message, to the bill, and to the amendment of the member from South Carolina, (Mr. CALHOUN.) In all these, I see nothing for the relief of the country; but I do see, as I think, a question involved, the importance of which transcends all the interest of the present occasion.

It is my purpose to state that question; to present it, as well to the country as to the Senate; to show the length and breadth of it, as a question of practical politics, and in its bearing on the powers of the Government to exhibit its importance, and to express my own opinions in regard to it.

A short recital of events and occurrences will show how this question has arisen.

The Government of the United States completed the forty-eighth year of its existence, under the present constitution, on the third day of March last. During this whole period, it has felt itself bound to take proper care of the currency of the country; and no administration has admitted this obligation, more clearly or more frequently, than the last. For the fulfillment of this acknowledged duty, as well as to accomplish other useful purposes, a national bank has been maintained for forty, out of these forty-eight years. Two institutions of this kind have been created by law: one commencing in 1791, and limited to twenty years, and expiring, therefore, in 1811; the other commencing in 1816, with a like term of duration, and ending, therefore, in 1836. Both these institutions, each in its time, accomplished their purposes, so far as currency was concerned, to the general satisfaction of the country. But before the last bank expired, it had the misfortune to become obnoxious to the late administration. I need not, at present, speak of the causes of this hostility. My purpose only requires a statement of that fact, as an important one in the chain of occurrences. The late President's dissatisfaction of the bank was intimated in his first annual Message, that is to say, in 1829. But the bank stood very well with the country, the President's known and growing hostility notwithstanding; and in 1832, four years before its charter was to expire, both Houses of Congress passed a bill for its contin-

uance; there being in its favor a large majority of the Senate, and a larger majority of the House of Representatives. The bill, however, was negatived by the President. In 1833, by an order of the President, the public moneys were removed from the custody of the bank, and were deposited with certain selected State banks. This removal was accompanied with the most confident declarations and assurances, put forth in every form, by the President and the Secretary of the Treasury, that these State banks would not only prove safe depositories of the public money, but that they would also furnish the country with as good a currency as it ever had enjoyed, and probably a better; and would also accomplish all that could be wished in regard to domestic exchanges. The substitution of State banks for a national institution, for the discharge of these duties, was that operation, which has become known, and is likely to be long remembered, as the "experiment."

For some years all was said to go on extremely well, although it seemed plain enough to a great part of the community that the system was radically vicious; that its operations were all inconvenient, clumsy, and wholly inadequate to the proposed ends; and that, sooner or later, there must be an explosion. The administration, however, adhered to its experiment. The more it was complained of the louder it was praised. Its commendation was one of the standing topics of all official communications; and in his last Message, in December, 1836, the late President was more than usually emphatic upon the great success of his attempts to improve the currency, and the happy results of the experiment upon the important business of exchange. But a reverse was at hand. The ripening glories of the experiment were soon to meet a dreadful blighting. In the early part of May last, these banks all stopped payment. This event, of course, produced great distress in the country, and it produced also singular embarrassment to the administration.

The present administration was then only two months old; but it had already become formally pledged to maintain the policy of that which had gone before it. The President had avowed his purpose of treading in the footsteps of his predecessor. Here, then, was difficulty. Here was a political knot, to be either untied or cut. The experiment had failed, and failed, as it was thought, so utterly and hopelessly, that it could not be tried again.

What, then, was to be done? Committed against a Bank of the United States in the strongest manner, and the substitute, from which so much was expected, having disappointed all hopes, what was the administration to do? Two distinct classes of duties had been performed in times past by the Bank of the United States; one more immediately to the Government, the other to the community. The first was the safe-keeping and the transfer, when required, of the public moneys; the other the supplying of a

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sound and convenient paper currency, of equal credit all over the country, and everywhere equivalent to specie, and the giving of most important facilities to the operations of exchange. These objects were highly important, and their most perfect accomplishment by the experiment had been promised from the first. The State banks, it was declared, could perform all these duties, and should perform them. But the "experiment" came to a dishonored end in the early part of May. The deposit banks, with the others, stopped payment. They could not render back the deposits; and so far from being able to furnish a general currency, or to assist exchanges, (purposes, indeed, which they never had fulfilled with any success,) their paper became immediately depreciated, even in its local circulation. What course, then, was the administration now to adopt? Why, sir, it is plain that it had but one alternative. It must either return to the former practice of the Government, take the currency into its own hands, and maintain it, as well as provide for the safe-keeping of the public money by some institution of its own; or else, adopting some new mode of merely keeping the public money, it must abandon all further care over currency and exchange. One of these courses became inevitable. The administration had no other choice. The State banks could be tried no more, with the opinion which the administration now entertained of them; and how else could any thing be done to maintain the currency? In no way but by the establishment of a national institution.

There was no escape from this dilemma. One course was, to go back to that which the party had so much condemned; the other, to give up the whole duty, and leave the currency to its fate. Between these two, the administration found itself absolutely obliged to decide; and it has decided, and decided boldly. It was decided to surrender the duty, and abandon the constitution. That decision is before us, in the Message, and in the measures now under consideration. The choice has been made; and that choice, in my opinion, raises a question of the utmost importance to the people of this country, both for the present and all future time. That question is, whether Congress has or ought to have, any duty to perform in relation to the currency of the country, beyond the mere regulation of the gold and silver coin.

Mr. President, the honorable member from South Carolina remarked, the other day, with great frankness and good humor, that, in the political classifications of the times, he desired to be considered as nothing but an honest nullifier. That, he said, was his character. I believe, sir, the country will readily concede that character to the honorable gentleman. For one, certainly, I am willing to say, that I believe him a very honest and a very sincere nullifier, using the term in the same sense in which he used it himself, and in which he meant to apply it to himself. And I am very much

afraid, sir, that (whatever he may think of it himself) it has been under the influence of those sentiments, which belong to his character as a nullifier, that he has so readily and so zealously embraced the doctrines of the President's Message. In my opinion, the Message, the bill before us, and the honorable member's amendment, form, together, a system, a code of practical politics, the direct tendency of which is to nullify and expunge, or, perhaps, more correctly speaking, by a united and mixed process of nullification and expunging, to abolish a highly important and useful power of the Government. It strikes down the principle upon which the Government has been administered, in regard to the subject of the currency, through its whole history; and it seeks to obliterate, or to draw black lines around, that part of the constitution on which this principle of administration has rested. The system proposed, in my opinion, is not only anti-commercial, but anti-constitutional also, and anti-union in a high degree.

You will say, sir, that this is a strong way of stating an opinion. It is so. I mean to state the opinion in the strongest manner. I do not wish, indeed, at every turn, to say, of measures which I oppose, that they either violate or surrender the constitution. But when, in all soberness and candor, I do so think, in all soberness and candor I must so speak; and whether the opinion which I have now expressed be true, let the sequel decide.

Now, sir, Congress has been called together in a moment of great difficulty. The characteristic of the crisis is commercial distress. We are not suffering from war, or pestilence, or famine; and it is alleged by the President and Secretary, that there is no want of revenue. Our means, it is averred, are abundant. And yet the Government is in distress, and the country is in distress; and Congress is assembled, by a call of the President, to provide relief. The immediate and direct cause of all is, derangement of the currency and the exchanges; commercial credit is gone, and property no longer answers the common ends and purposes of property. Government cannot use its own means, and individuals are alike unable to command their own resources. The operations, both of Government and people, are obstructed; and they are obstructed because the money of the country, the great instrument of commerce and exchange, has become disordered and useless. The Government has funds; that is to say, it has credits in the banks, but it cannot turn these credits into cash; and individual citizens are as bad off as Government. The Government is a great creditor and a great debtor. It collects and it disburses large sums. In the loss, therefore, of a proper medium of payment and receipt, Government is a sufferer. But the people are sufferers from the same causes; and inasmuch as the whole amount of payments and receipts by the people, in their individual transactions, is many times greater

than the amount of payments and receipts by Government, the aggregate of evil suffered by the people is also many times greater than that suffered by Government. Individuals have means as ample, in proportion to their wants, as Government; but they share with Government the common calamity arising from the overthrow of the currency. The honorable member from Mississippi (Mr. WALKER) has stated, or has quoted the statement from others, that while the payments and receipts of Government are twenty millions a year, the payments and receipts of individuals are two or three hundred millions. He has, I think, underrated the amount of individual payments and receipts. But even if he has not, the statement shows how little a part of the whole evil falls on Government. The great mass of suffering is on the people.

Now, sir, when we look at the Message, the bill, and the proposed amendment, their single, exclusive, and undivided object is found to be, relief to the Government. Not one single provision is adopted or recommended with direct reference to the relief of the people. They all speak of revenue, of finance, of duties and customs, of taxes and collections; and the evils which the people suffer, by the derangement of the currency and the exchanges, and the breaking up of commercial credit, instead of being put forth as prominent and leading objects of regard, are dismissed with a slight intimation, here and there, that, in providing for the superior and paramount interests of Government, some incidental or collateral benefits may, perhaps, accrue to the community. But is Government, I ask, to care for nothing but itself? Is self-preservation the great end of Government? Has it no trust powers? Does it owe no duties but to itself? If it keeps itself in being, does it fulfil all the objects of its creation? I think not. I think Government exists, not for its own ends, but for the public utility. It is an agency, established to promote the common good, by common counsels; its chief duties are to the people; and it seems to me strange and preposterous, in a moment of great and general distress, that Government should confine all its deliberations to the single object of its own revenues, its own convenience, its own undisturbed administration.

I cannot say, sir, that I was surprised to see this general character impressed on the face of the Message. I confess it appeared to me, when the banks stopped payment, that the administration had come to a pass, in which it was unavoidable that it should take some such course. But that necessity was imposed, not by the nature of the crisis, but by its own commitment to the line of politics which its predecessor had adopted, and which it had pledged itself to pursue.

It withdraws its care from the currency, because it has left itself no means of performing its own duties, connected with that subject. It has voluntarily and on calculation, discarded

and renounced the policy which has been approved for half a century, because it could not return to that policy, without admitting its own inconsistency and violating its party pledges. This is the truth of the whole matter.

Now, sir, my present purpose chiefly is to maintain two propositions:

1. That it is the constitutional duty of this Government to see that a proper currency, suitable to the circumstances of the times, and to the wants of trade and business, as well as to the payment of debts due to Government, be maintained and preserved; a currency of general credit, and capable of aiding the operations of exchange, so far as those operations may be conducted by means of the circulating medium; and that there are duties, therefore, devolving on Congress, in relation to currency, beyond the mere regulation of the gold and silver coins.

2. That the Message, the bill, and the proposed amendment, all, in effect, deny any such duty, disclaim all such power, and confine the constitutional obligation of Government to the mere regulation of the coins, and the care of its own revenues.

I have well weighed, Mr. President, and fully considered, the first of these propositions, to wit: that which respects the duty of this Government in regard to the currency. I mean to stand by it. It expresses, in my judgment, a principle, fully sustained by the constitution, and by the usage of the Government, and which is of the highest practical importance. With this proposition, or this principle, I am willing to stand connected, and to share in the judgment which the community shall ultimately pronounce upon it. If the country shall sustain it, and be ready, in due time, to carry it into effect, by such means and instruments as the general opinion shall think best to adopt, I shall co-operate, cheerfully, in any such undertaking; and shall look again, with confidence, to prosperity in this branch of our national concerns. On the other hand, if the country shall reject this proposition, and act on that rejection; if it shall decide that Congress has no power, nor is under any duty, in relation to the currency, beyond the mere regulation of the coins; then, upon that construction of the powers and duties of Congress, I am willing to acknowledge, that I do not feel myself competent to render any substantial service to the public councils, on these great interests. I admit, at once, that if the currency is not to be preserved by the Government of the United States, I know not how it is to be guarded against constantly occurring disorders and derangements.

[Mr. Webster then argued at great length in favor of his first proposition, and to show that it was the duty of Congress to regulate the paper as well as the metallic currency, and that the proper regulation of the paper currency was a national bank; and continued:]

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When the bill for the late bank was called up, the honorable member from South Carolina explained its objects in an able speech. He showed the absolute necessity of a national currency; the power of Congress over such currency, whether metallic or paper; and the propriety and expediency of establishing a bank, as the best means of exercising these powers and fulfilling these duties. I agreed then, and I agree now, to the general sentiment expressed in that speech, heartily and entirely. I would refer to it, on this occasion, both as an able argument and a high authority; and beg to adopt it, as setting forth, in a strong light, the sentiments which I am now endeavoring to enforce.

[Mr. CALHOUN here rose to make an explanation. He said that he never saw the reporter's notes of his speech on that occasion, and, therefore, what he did say, may not have been what he would have said. There were points of omission in that speech which occupied a column and a half of the *National Intelligencer*. Mr. C. said that he took care then, as now, to fortify himself, and to leave a road open to oppose, at any coming time, a national bank. He then said that he was opposed to a bank, but that he submitted to the necessity of the case. There was then a connection between the Government and the banks; and, if the Government had a right to regulate the currency, there was no means of doing it but by a national bank. He had, both then, and since then, contended that Government had no right to have any connection with any banks. In his opinion, the United States Bank (which he then advocated, and assisted to establish) was not established according to the constitution. Congress had no right to establish such a bank. He acted contrary to his own impressions of right. Many people may do things which they do not believe to be lawful, from necessity. He acted from necessity.]

Mr. WEBSTER, resuming his remarks, said he thought the gentleman had said, formerly, that in consequence of the decision of the question, he felt thenceforward precluded from opposing the bank as being unconstitutional.

[Mr. CALHOUN again explained: He (Mr. C.) thought the connection between Government and banks was now broken, and that set him at liberty; so that now he could oppose what he had then, and since, earnestly advocated.]

It is not my desire, sir, to hold the gentleman to a report of his speech, which he may choose, even now to disclaim. I have never heard of his disclaiming it before; and even now, sir, I do not understand him as being desirous of retracting or denying any thing contained in the printed report of his speech, respecting the importance of a uniform national currency. That topic makes up the sum and substance of his whole speech. It was the topic of the occasion; it was the express purpose for which his committee had been raised, and for the accomplishment of which the whole proceeding was

gone into. It was all currency, currency, currency; and, whether the gentleman now thinks the law constitutional or unconstitutional, he cannot deny that his own object, and the object of Congress, was to furnish a circulating medium for the country. And here, again, so unimportant, relatively, was the mere custody, or deposit of the public moneys in the bank, that the bill, as originally introduced, contained no provision for that object. A section was afterwards introduced, in Committee of the Whole, on my motion, providing for the deposit of the public moneys with the bank, unless the Secretary of the Treasury should, at any time, otherwise order and direct; a reservation of power to the Secretary, which, as I think, and always have thought, was greatly abused, by the removal of the deposits in 1833.

By reference to the debates, sir, it will be found that other friends of the measure followed up the general ideas of the honorable gentleman from South Carolina, and supported the bank, as a necessary agent or instrument for establishing, anew, a national currency, for the uses of commerce and exchange.

It was my second proposition, sir, that the Message, the bill, and the amendment, taken together, deny, in substance, that this Government has any power or duty connected with the currency, or the exchanges, beyond the mere regulation of the coins.

And, sir, is this not true? We are to judge of the Message by what it omits, as well as by what it proposes. Congress is called together in a great commercial crisis. The whole business of the country is arrested by a sudden disorder of the currency. And what is proposed? Any thing to restore this currency? Any thing with a direct view of producing the resumption of payment by the banks? Is a single measure offered, or suggested, the main purpose of which is general relief to the country? Not one. No, sir, not one. The administration confines its measures to the Government itself. It proposes a loan, by the means of Treasury notes, to make good the deficiency in the revenue; and it proposes secure vaults, and strong boxes, for the safe-keeping of the public moneys; and here its paternal care ends. Does the Message propose to grapple, in any way, with the main evil of the times? Seeing that that evil is one affecting the currency, does the Message, like that of Mr. Madison, in 1815, address itself directly to that point, and recommend measures of adequate relief? No such thing. It abstains from all general relief. It looks out for the interest of the Government, as a Government; and it looks no further. Sir, let me turn to the Message itself, to show that all its recommendations, and, indeed, all the objects in calling Congress together, are confined to the narrow and exclusive purpose of relieving the wants of Government.

The President says, that the regulations established by Congress, for the deposit and safe-keeping of the public moneys, having become

inoperative by the suspension of payment by the banks; and apprehending that the same cause would so diminish the revenue, that the receipts into the Treasury would not be sufficient to defray the expenses of Government; and as questions were also expected to arise respecting the October instalment of the deposit to the States, and doubting whether Government would be able to pay its creditors in specie, or its equivalent, according to law, he felt it to be his duty to call Congress together. These are the reasons for calling Congress. They are all the reasons; and they all have exclusive regard to the Government itself.

In the next place, let us see what measures the Message recommends to Congress. In its own language, the objects demanding attention are:

"To regulate, by law, the safe-keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the Government; to enable the Treasury to meet promptly every demand upon it; to prescribe the terms of indulgence, and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories."

These are all the objects recommended particularly to the care of Congress; and the enumeration of them is followed by a general suggestion, that Congress will adopt such further measures as may promote the prosperity of the country. This whole enumeration, it is obvious, is confined to the wants and convenience of the Government itself.

And now, sir, let us see on what grounds it is that the Message refrains from recommending measures of general relief. The President says:

"It was not designed by the constitution that the Government should assume the management of domestic or foreign exchange. It is, indeed, authorized to regulate, by law, the commerce between the States, and to provide a general standard of value or medium of exchange in gold and silver; but it is not its province to aid individuals in the transfer of their funds, otherwise than through the facilities afforded by the Post Office Department. As justly might it be called on to provide for the transportation of their merchandise."

And again:

"If, therefore, I refrain from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the General Government, and that their adoption would not promote the real and permanent welfare of those they might be designed to aid."

The President, then, sir, declines to recommend any measure for the relief of commerce, for the restoration of the currency, or for the benefit of exchanges, on the avowed ground that, in his opinion, such measures are not

within the constitutional power of Congress. He is distinct and explicit, and so far entitled to credit. He denies, broadly and flatly, that there is any authority in this Government to regulate the currency, and the exchanges, beyond its care of the coin. The question, then, is fairly stated. It cannot be misunderstood; and we are now to see how Congress, and, what is much more important, how the country, will settle it.

Mr. President, if, in May last, when specie payments were suspended, the President of one of the banks had called his council of directors together, informed them that their affairs were threatened with danger, that they could not collect their debts in specie, and might not be able to pay their creditors in specie, and recommended such measures as he thought their interest required; his policy, in all this, would have been no more exclusively confined to the interests of his corporation, than the policy of the Message is confined to the interests of this great corporation of Government. Both in practice, therefore, and on principle, in reality, and avowedly, the administration abandons the currency to its fate. It surrenders all care over it, declines all concern about it, and denies that it has any duty connected with it.

Sir, the question, then, comes to be this: Shall one of the great powers of the constitution, a power essential to it, on any just plan or theory of Government, a power which has been exercised from the beginning, a power absolutely necessary and indispensable to the proper regulation of the commerce of the country, be now surrendered and abandoned forever? To this point we have come, sir, after pursuing the "experiment" of the late administration for five years. And from this point, I am persuaded, the country will move, and move strongly, in one direction or another. We shall either go over to the gentleman from Missouri, and suffer him to embrace us in his gold and silver arms, and hug us to his hard money breast; or we shall return to the long-tried, well-approved, and constitutional practice of the Government.

As to the employment of the State banks, for the purpose of maintaining the currency, and carrying on the operations of exchange, I certainly never had any confidence in that system, and have none now.

I think the State banks can never furnish a medium for circulation, which shall have universal credit, and be of equal value everywhere.

I think they have no powers, or faculties, which can enable them to restrain excessive issues of paper.

I think their respective spheres of action are so limited, and their currencies so local, that they can never accomplish what is desired in relation to exchanges.

Still, I prefer the employment of State banks to the project before us; because it is less of a project; because it is less dangerous; and, chiefly, because it does not surrender, effect-

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ually, and in terms, a great power of the constitution.

In every respect this project is objectionable. It is but another "experiment;" and those who recommend it so zealously, were the authors of the last, and were equally full of confidence and assurance in regard to that.

Who invite us to try this experiment? What voices do we hear raised in its recommendation? Are they not the well-known voices which we heard so often when the late "experiment" was begun? We know of but one accession. The voice of the honorable member from South Carolina is heard, it is true, now mingling with the general strain; and that is all. Where, then, is the ground for confidence in this experiment, more than there was for it in the last?

This scheme, too, is against all our usages, and all our habits. It locks up the revenue, under bolts and bars, from the time of collection to the time of disbursement. Our practice has been otherwise, and it has been a useful practice. In 1833, the Secretary of the Treasury admonished the deposit banks, since they had obtained the custody of the public funds, to accommodate the public, to loan freely, especially to importing merchants. And now, a system is proposed to us, according to which any use of the public funds, by way of loan or accommodation to the public, is made a criminal offence, and to be prosecuted by indictment! Admirable, admirable consistency!

MR. HUBBARD said: The bill reported by the Committee on Finance, if carried into full effect, cannot fail to relieve the Government from present financial embarrassment. I am fully aware that it is the purpose of the chairman of the committee to present his own views in relation to the measure; it will be his province to give a very detailed statement of the character and effect of that bill—its benefits to the Government, to the banking institution of the country, and to the people themselves. It cannot but have occurred, however, to every individual, that if this bill should now be adopted, it would in effect be but the same measure, so far as it relates to the collection and to the disbursement of the public money, which has existed almost from 1789, until the joint resolution of April, 1816. This bill, if carried into effect, would give to the Government the certain and absolute control of its own funds. So did the act of 1789. This bill, if adopted, would sever the Government from any connection with the pecuniary concerns of the local banks of the country. So did the act of 1789; and, notwithstanding the existence of the Bank of the United States from 1791 to 1811, there was no legal provision which created that institution, or any other bank, the receiver and disbursor of the public revenue. If this bill should be adopted, the fiscal agents of the Government will collect, hold, and disburse the public revenues upon their own responsibility. So did the collectors under the act of July, 1789. If

this bill be passed, the fiscal agents will be immediately accountable to the Government. So were the collectors of the revenue from the foundation of the Government to the recharter of the United States Bank, in 1816. The advantages the Government will derive from the operation of this measure will be the certain control of its own funds, the direct responsibility and accountability to the Government of its own fiscal agents; and another benefit which will result from the adoption of this measure, will be the unchangeable character of its own means, and the fixed value of its own revenues—not liable to depreciation by the casualties and misfortunes to which the moneyed institutions of the country are more or less liable. The utter failure of this, or the severe losses of that bank, can, in nowise, deteriorate the value of the Government funds. So it was for the first quarter of a century after the adoption of our constitution. Independent of all banks, we would manage our finances in our own way, and with perfect security to the Government. So it was under the act of 1789. The revenues then were collected and disbursed independent of the Bank of the United States. These are some of the benefits which would result to the Government by the adoption of this bill; and, acting independent of local banks in the collection and disbursement of the public revenue, it would also, in its operation, be beneficial to the banks themselves. If this measure be carried into effect, no longer will the money of the Government be used by the State banks in their banking operations; no longer will the money of the Government be employed in increasing the paper issues of the banks, by increasing their discounts, and their credits; and certain it is that this deposit with the local banks cannot be required for the transactions of the necessary business of a business community. The pecuniary aid of the Government is not needed for the legitimate operation of the local banks. There is not, Mr. President, any want of bank capital in the country; if there was, there is no want of a disposition to create bank capital. The complaint is, and has been, that banks have multiplied too rapidly, and beyond the necessities and wants of a commercial and trading community. The complaint is well founded. Certain the fact is, that there is not at this time, within the limits of New England, any want of bank capital. If this be so, what occasion can there be, where is the necessity, of requiring the deposit of the public money to carry on the proper operations of these local banks? There can be no necessity; and the sound, stable, substantial institutions will be essentially benefited by giving up this trading upon the money of the Government, and by returning to the good old safe practice of managing their own business upon their own capital. There is too much uncertainty attending the use of the public money to justify any bank doing business upon the strength of Government deposits. It is true that a half of a mil-

lion may be placed with a public depository to-day for safe-keeping: and may it not be so, that a public appropriation for some unexpected and unlooked-for event may render it indispensably necessary to withdraw at once the whole amount of such a deposit; and if the bank had previously put this deposit out on loan—as it certainly would do, under the deposit act, to indemnify it against the claim of the Government to interest—might it not be embarrassing to the banks to answer such a call from the Treasury Department?

The great uncertainty, then, both as to amount, and to time, which must attend the deposits of the public money, cannot fail to be regarded by sound and well-regulated banks as a great objection to the reception of the Government deposits. If the banks which have been selected under the deposit act of June 23, 1836, should be called upon to answer the inquiry whether the Government money received by them in deposit has been a benefit to their respective institutions, the answer of the solvent and stable deposit banks would be—no; they have been an injury, rather than a benefit. Trace the history of the deposits which have been made with the banks in New England, and it must result, from the great uncertainty and instability which has attended the moneyed operations of the Government, that the deposits have served but to augment their pecuniary embarrassments. Better, then, would it be for them and for the Government to dissolve the connection. And, Mr. President, the people themselves, for whose interest there has been much feeling manifested pending the debate upon this bill, would also participate in the benefits which would result from the adoption of this measure. Men would become steady and settled in their operations; there would no longer be given to property an inflated and factitious value; business would resume its accustomed channels; and the excitement, always temporary and always dangerous, (the fruit of any extraordinary expansion of paper currency,) would be done away; the spirit of speculation and overtrading would be checked; a sound discretion and a guarded prudence would mark the conduct of business men, and give character to all their operations. There would not, and there could not be, that constant change and revolution in the value of property, necessarily involving in its consequences the fortune and the fate of thousands. Let the Government, through its own agents, collect and hold its revenues exclusively for public purposes; let the Government withhold from the local institutions the use of the public funds, and that wild, extravagant, and adventurous spirit which has pervaded our country for the last two years, will be controlled by the power of sober judgment; and if such would be the consequences resulting from the adoption of this measure, surely the people would greatly participate in the benefits of the system. In my belief, the Government, the banks, and the people, would

derive essential advantages from the adoption of this measure. I shall, therefore, Mr. President, give to it my best support. As a member of the Committee on Finance, I agreed to report the bill. The discussion which has taken place since the bill has been before the Senate—to all of which I have given my constant attention—has served to satisfy my own mind of the necessity, policy, and justice, of the measure. I deeply regret that a different view has been taken of this matter by other gentlemen, for whose opinions I have ever entertained a profound respect; but it is, I trust, but an honest difference of opinion on a leading measure of public policy. I have no belief that any change of sentiment can be accomplished; but, sir, I must be excused for noticing some of the objections which have been made on this floor to the bill now under consideration.

First. It is objected that the bill provides that the revenues of the Government should be collected and disbursed in gold and silver; and from the consequence given to this objection to the measure pending the debate, the inference must be that in this particular a great innovation upon the practice of the Government is contemplated, and that a new principle is to be introduced into our legislation; but, so far from that being the fact, this same principle—this special provision—has been coexistent with the Government itself. By the act to regulate the collection of duties, &c., approved July 21, 1789, it is provided “that the duties and fees to be collected by virtue of said act, shall be received in gold and silver coin only.” And by the tenth section of the act of February, 1791, creating the Bank of the United States, it is provided “that the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be received in all payments to the United States.” The corporation was not, by the terms of its charter, made the fiscal agent of the Government; nor was the bank made the depository of the public revenues. The responsibility of the collectors, created by the act of 1789, was not transferred to the Bank of the United States. They, and they alone, were directly accountable to the Government. Their duties were prescribed by the act, and were not, by the charter of the bank, changed. This feature of the bill, should the amendment of the Senator from South Carolina be adopted, would contain no new principle, nor introduce any new practice. From 1789 to 1816, such was the usage of the Government, and such was the law of the land. And I would confidently appeal to the experience of the people, whether the material change in the collection and disbursement of the public revenues which took place on the recharter of the United States Bank in 1816, and the subsequent changes which have taken place, have advanced their peace, prosperity, and happiness. Under the system which was established in 1789, and practised on by the

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Government, the revenues were collected and disbursed in a currency not subject to change or deterioration, by its own fiscal agents, directly responsible to the Government. By the act of 1816, rechartering the United States Bank, that corporation was made the responsible fiscal agent of the Government. All the bills or notes of the corporation, without any discrimination, were made receivable in all payments to the United States. And the act provides further, "that the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches;" and "that during the continuance of the act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States, and for distributing the same in payment of the public creditors, without charge," &c. These provisions were introduced, by way of amendments to the bill, after it had been reported by the committee, and were, I believe, proposed by the Senator from Massachusetts, thereby materially and, as it has operated, injuriously changing the whole practice of the Government in relation to the collection and disbursement of the public funds.

Had the bank been vested with no other powers by the act of 1816, than were conferred by the act of 1791, the evils which have since been experienced would probably have been avoided. It was its intimate connection with the finances of the country—it was the control it possessed over the public funds—it was the political influence it was supposed to exercise—that awakened the jealousy of the American people, and excited feelings and established opinions hostile to the continuance of such an institution.

A second objection made to the bill is, that it in effect repeals the act depositing the money of the Government with the local banks, and thereby producing great injury to those institutions. I have already expressed my own views as to the effect this measure would have upon State banks. And all I wish to add is, that, until local banks were selected as public depositories, for the first forty years of the existence of this Government, the local banking institutions of the country did not count upon any such aid from the Government as essential to their prosperity, or necessary to their success.

A third objection to the bill is, that it creates one currency for the Government and another for the people.

Was there any complaint of this sort made under the act of 1789? Was there then one currency for the Government and another for the people? If the amendment of the Senator from South Carolina be adopted, after 1841, the revenues will be received in gold and silver only. And what would be the effect of such a proceeding? Would the gold and silver received for the public revenues be abstracted from

the general currency? Would it be locked up from circulation? Would it be salted down in the vaults of the sub-Treasury officer? No, sir: the revenues and the public dues would come from the people, and they would be disbursed to the people. If paid in a metallic currency to our fiscal agents, the same currency would, by the same agents, be disbursed to the public creditors. The history of the Government shows, that at the commencement of each fiscal year, there is not on an average in the public Treasury, subject to draft, a sum exceeding six millions of dollars. If, in the course of the year, twenty more millions have been received, a like amount has been disbursed. A sum not exceeding six millions of specie, then, would ordinarily be the balance of the account of receipts and expenditures at the commencement of the fiscal year; and can the abstraction of six from more than eighty millions now in the country, so alarm the fears of gentlemen as to lead them to the conclusion that the consequence of this measure will be the establishment of one currency for the Government, and a different currency for the people? And are not all of the people? Are men holding office a distinct race from the people? And can it be seriously contended that the revenues received and paid out to public creditors are withdrawn from circulation, and from the care of the people? No, sir, it cannot. Debtors and creditors to the Government are parts of the same community. They are of the people; and their relation to the Government is constantly changing. To-day one may be a creditor—to-morrow he may be a debtor; and I cannot conceive in what way or manner the adoption of this bill would create one currency for the Government and another for the people—would establish those high or low in office—all who have claims upon the Government—as an order of men possessing peculiar and exclusive privileges. It cannot so be. The objection has no foundation in truth.

A fourth objection is made, that the bill divorces the Government from the banks. The bill separates the Government from the banks in no other way than it says, that no longer shall the banks have the public deposits for the purpose of expanding and enlarging their paper currency. This is the divorce about which Senators complain. The propriety of such a separation I have already discussed.

Another objection made to this measure is, that it in effect destroys the credit system, under which the country has enjoyed so much prosperity.

There can be no doubt that credit, as contradistinguished from cash payment, has been, and may be, attended with consequences most beneficial to the prosperity of a community; that it stimulates enterprise, and, when properly restrained, cannot fail to advance private interest; but such a credit system needs not the protecting care of the Government. It is the excess of credit that brings danger, distress, and

dismay. It is that uncontrolled and uncontrollable spirit of adventure which leads to disaster, embarrassment, and ruin. It is that bold and daring passion for speculation, sustained for a time on credit, which puts in jeopardy the fortunes of individuals, prostrates the best efforts of enterprise, and scatters firebrands and death among an active business community. Whence this general desolation which now pervades our land? Whence this general, this universal embarrassment, which now prevails through the country? It is to be traced to a most injudicious and unwarrantable expansion of the credit system. This has been the efficient and producing cause of the pecuniary distress that now extends from Maine to Florida. A judicious, a well-regulated system of credit, has its advantages in every community, and among every class of our citizens; but I submit whether, from the woful experience we have had, we ought to wish to return to the local banks the public deposits, if thereby an enlargement of individual credit could be obtained, and a corresponding increase of a paper medium? I cannot doubt what would be the response.

The accommodation proposed to be extended to the deposit banks is a relief measure, giving time to those institutions, and enabling those institutions to give time to their debtors. The warehouse bill is a great relief measure, requiring cash payment for importations which shall enter into the consumption of the country, and relieving the people and the Government from the very evils under which we are now laboring—the abuse of the credit system.

Each and all these measures look directly to the relief of the Government and the people; and notwithstanding the speculations of gentlemen here and elsewhere, with respect to the true character of these measures, let them but be adopted—the banks, the merchants, the people, will all unite in expressing to their authors their deep sense of gratitude.

FRIDAY, September 29.

Sub-Treasury Bill.

The Senate resumed the consideration of the Sub-Treasury bill.

MR. BUCHANAN said: Mr. President, it cannot be denied that the commercial and manufacturing classes of our people throughout the Union are now suffering severely under one of those periodical pressures which have so often afflicted the country. Neither has the agricultural and other interests escaped without injury, although they have not suffered to the same extent. The exhaustion of the human system does not succeed a high degree of unnatural excitement with more unerring certainty than that a depression in the business of the country must follow excessive speculation. The one is a law of nature, the other a scarcely less uniform law of trade. The degree of this depression will always bear an exact proportion to the degree of overaction. As many degrees as

the system has been elevated above the point of healthy action, so many degrees must it sink below, after the effects of the stimulus have passed away.

What has been the history of the country in this respect? One of constant vibration. I can speak positively on this subject in regard to the period of time since I came into public life. What has been will be again. The same causes will produce the same effects. We can cherish no reasonable hope of a change unless the State Legislatures should take a firm and decided stand. The history of the past will become that of the future. This year we have sunk to the extreme point of depression. The country is now glutted with foreign merchandise. There will, therefore, be but few importations. All our efforts are now directed towards the payment of our foreign debt. The next year the patient will begin to recruit his exhausted energies. Domestic manufactures will flourish in proportion as foreign goods become scarce. The third year, a fair business will be done. The country will present a flourishing appearance. Property of all descriptions will command a fair price, and we shall glide along smoothly and prosperously. The fourth or the fifth year the era of extravagant speculation will return, again to be succeeded by another depression. At successive periods the best and most enterprising men of the country are crushed. They fall victims at the shrine of the insatiate and insatiable Moloch of extravagant banking. It is an everlasting cycle. The wise man says there is no new thing under the sun; and we are destined, I fear, again and again to pass through the same vicissitudes. The aspect is perpetually changing, but is never new.

Senators have plumed themselves, and their admirers throughout the country have applauded them, as being wonderfully sagacious in their predictions. Their respective partisans are ready to exclaim—

"The spirit of deep prophecy he hath,
Exceeding the nine Sybils of old Rome;
What's past and what's to come he can descry."

But no deep penetration into futurity was required to make these prophecies. Until existing causes shall be removed, the future must be the counterpart of the past.

Whence this eternal vicissitude in the business of the country. What is the secret spring of all these calamities? I answer, the spirit of enterprise, so natural to American citizens, excited into furious action by the stimulus of excessive banking. It operates as does the inhaling of oxygen gas upon the human mind, urging it on to every extravagance and to every folly.

I do not deny that several subordinate circumstances have operated in unison with this grand cause to make the present catastrophe more severe than it otherwise might have been. Still it is the root of all the evil. It is the chief and almost the only source from which the existing distress has flowed.

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I was not a member of this body when the discussion took place on the veto of the bank charter, or the removal of the deposits. Although both these measures received my cordial approbation, yet I refrain purposely from replying, at this late period, to the remarks which have been made on these subjects. They have already passed into history, and been sanctioned by the public approbation.

Amongst these subsidiary causes of the existing distress may be enumerated the destruction of capital by the great fire at New York, in December, 1835. The wild speculations in public lands, and in splendid towns and cities, upon paper throughout the Western States, which withdrew capital from the commercial cities, where it was most wanted, to portions of the country where it was not required; and the specie circular, if you please, which, however wise it may have been in its origin, ought not, in my opinion, to have been continued in force after it had performed its office and had checked the wild speculations in public lands. I voted in favor of the bill at the last session which repealed this circular; and, under the same circumstances, I would again act in the same manner. But permit me to say that its effects have been greatly exaggerated. It did not carry to the West any thing approaching the amount of gold and silver which Senators have estimated. According to the report of the Secretary of the Treasury, all the specie in all the Western deposit banks, including Michigan, but little exceeded four millions of dollars at the date of the suspension of specie payments; and in the south-western deposit banks it did not amount to one million two hundred thousand dollars. I shall not stop to inquire how much less gold and silver there would have been in these depositories had the specie circular never existed. Certain it is that the comparatively small amount of specie which came into these banks in consequence of this circular, could have produced but an inconsiderable effect on the business of our commercial cities, and still less upon the suspension of specie payments.

These causes may have made the revulsion a little more severe; but, had they never existed, still it must have come with desolating force.

Senators have attributed some portion of the existing distress to the act of 1834, regulating the standard of our gold coins. They have not told us, and they cannot tell us, how this act could have produced such an effect. It was no party measure, and, upon its passage, there were but few, I believe seven, votes against it in the Senate. It was a measure of absolute necessity, if we desired that our own gold coins should ever circulate in this country. Before its passage, a half eagle, as an article of merchandise, was intrinsically worth about five dollars and thirty-three cents in silver, whilst its standard value, as currency under our laws, was only five dollars. It is manifest, therefore, that eagles and half eagles never could have en-

tered into general circulation had it not been for the passage of this act, which is now condemned. It was a mere adjustment of the relative value of gold to silver, according to the standard of other nations; and, if I am not greatly mistaken in my memory, conformed exactly in this particular with the laws of Spain and Portugal.

I have been utterly at a loss to conceive the cause of the hostility of Senators to this necessary measure, unless it be from a feeling similar to that which, it is said, made a distinguished gentleman desire to kill every sheep which came in his way. He could feel no personal hostility to these innocent and harmless animals; but was such a violent anti-tariff man, that the sight of them always reminded him of our woollen manufactures. Certainly no gentleman can entertain any objection to the eagle and half eagle themselves; but they may remind Senators of the efficient and untiring exertions of the Senator from Missouri (Mr. BENTON) to introduce a gold currency into circulation. As gold, they may like these coins; but, as Bentonian mint drops, they are detestable.

Senators have also contended that the present depressed condition of the country has been produced, in some degree, by the large importations of specie which were encouraged by the administration of General Jackson. I shall not be diverted from my main purpose by answering this objection in detail. Even if their position were correct, which I by no means admit, that more gold and silver had been forced into the country than our necessities demanded, or the fixed laws of trade would have justified, still the effect would have been transient and trifling. It would have immediately flowed back through the channels of commerce to the places from whence it came, until the par of exchange had been restored. This is one of the fixed and invariable laws of trade, from the obligation of which we can never be released.

The Senator from Kentucky, (Mr. CLAY,) in the course of his remarks upon this subject, involved himself in a strange contradiction. At the commencement of his speech he deprecated, with his usual eloquence and ability, the policy of the past administration in forcing specie into this country, contrary to the laws of trade. Towards the conclusion, when his fancy became excited by the contemplation of the splendid Bank of the United States which it was his purpose to establish, he seemed entirely to have changed his opinion. In order to obtain the necessary amount of specie capital, he proposed that some twenty or twenty-five millions of this bank stock should be transmitted to Europe and sold to foreigners in exchange for gold and silver. It was a violation of the laws of trade, which must recoil upon us, to force a greater amount of specie into the country than our just proportion, for the purpose of putting it into circulation among the people; but when the purpose is to furnish a specie capital of twenty or twenty-five millions for a new bank of the

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United States, then all difficulties vanish from the mind of the gentleman.

No, sir, said Mr. B., without the agency of any of these secondary causes, the present distress must have come. It was inevitable as fate. No law of nature is more fixed, than that our over-banking and our over-trading must have produced the disastrous results under which we are now suffering.

In this crisis, all which the General Government can effect is, in the first place, to withhold its deposits from the banks, and thus refrain from contributing their funds to swell the torrent of wild speculation; and, in the second place, to restrain the extravagance of their credits and issues, in some small degree, by collecting and disbursing our revenue exclusively in specie, or in the notes of banks which will pay the balances due from them in specie, at short intervals. To accomplish these two purposes, as well as to render the public revenue more secure, are the objects of the bill and amendment now before the Senate.

The evils of a redundant paper circulation are now manifest to every eye. It alternately raises and sinks the value of every man's property. It makes a beggar of the man to-morrow who is indulging in dreams of wealth to-day. It converts the business of society into a mere lottery; whilst those who distribute the prizes are wholly irresponsible to the people. When the collapse comes, as come it must, it casts laborers out of employment, crushes manufacturers and merchants, and ruins thousands of honest and industrious citizens. Shall we, then, by our policy, any longer contribute to such fatal results? That is the question.

The system of extravagant banking benefits no person except the shrewd speculator, who knows how to take advantage of the perpetual fluctuation in prices which a redundant paper currency never fails to produce. He sees, in the general causes which operate upon the commercial world, when money is about to be scarce, and when it will become plenty. He studies the run as a gambler does that of the cards. He knows when to buy and when to sell, and thus often realizes a large estate in a few happy ventures. Those who have been initiated into the mysteries of the paper money market, can thus accumulate rapid fortunes at the expense of their less skilful neighbors.

The question before the Senate is not, whether we shall divorce the Government from the banks. The banks themselves have done that already. The alliance is already dissolved. The question now is, shall we, with all the experience of the past, restore this ill-fated union? No propitious divinities would grace the new nuptials; but the fatal sisters would be there ready again to cut the cord at the first approach of difficulty and danger.

The Senator from Virginia (Mr. RIVES) has appealed to us in the name of consistency to support his amendment. But circumstances have entirely changed since we voted for it at

the last session. Then the union existed between the banks and the Treasury, and his bill prescribed the relative duties of the contracting parties. Now the contract is at an end. The banks have violated its fundamental obligations, and the Government is free. The preliminary question now is, shall we enter into a new alliance. We must first determine that we shall, before any question of consistency can arise. Should we again connect ourselves with the banks, then, and not till then, can we be called upon to adopt rules regulating the union. The amendment of the Senator from Virginia proceeds upon the assumption that our former relations are to be restored. I oppose the amendment mainly because I am hostile to this re-union. If Congress should first determine to restore the old relations between the parties, then, and not till then, might there be some force in an appeal to our consistency.

We are left at this moment entirely free to decide what is best to be done with the public money. To use the language of the Senator from South Carolina, (Mr. CALHOUN,) we have reached a point from whence we are about to take a new departure. But three courses have been, or in the nature of things can be, presented for our selection. We must either deposit the public money in a bank of the United States, to be created for that purpose; or restore it to the State banks; or provide for its safe custody in the hands of our own officers, without the agency of any bank, State or national.

And, first, in regard to the creation of another bank of the United States. It was not my purpose, at this time, to offer my objections in detail to such an institution. Even if I had intended to present my views fully upon this subject, the overwhelming vote of the Senate on Tuesday last, against the establishment of such a bank, would warn me to forbear. It would be labor lost and time expended in vain. I shall content myself, therefore, with a few general observations upon this branch of the subject, and a short reply to some of the remarks which have been made by the advocates of a new bank.

In my opinion, the most alarming dangers which would result from such an institution, have never yet been presented in bold relief before the people. This has arisen from the unnatural position of that institution towards the Government. We have seen it struggling against Executive power; and its efforts have been tremendous. They would have been irresistible against any other President than Andrew Jackson. As it was, the conflict was of the most portentous character, and shook the Union to its centre. But we have witnessed the exception, not the rule. It is the natural ally, not the enemy, of power. Wealth and power necessarily attract each other, and are always ready to rush to each other's embrace. In the language once used by a distinguished orator, now no more, (Mr. Randolph,) "male and female created he them." Suppose Gen-

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eral Jackson and the bank had been in alliance, and not in opposition. What, then, might have been the consequences, had he been an enemy to the liberties of his country? Armed with all the power and all the patronage which belong to the President of the United States, enjoying unbounded popularity, and wielding the combined wealth of the country through the agency of this all-powerful bank and its branches, planted in every portion of the Union; can any man say that our liberties would not have been in danger? All the forms of the constitution might have remained; the people might still have been flattered with the idea of electing their own officers; but the animating spirit of our free institutions would have departed forever. A secret, an all-pervading influence, would have sapped the foundations of liberty and made it an empty name. Under such circumstances, a President might always select his successor. But, thank heaven, the danger has passed away, and I trust forever.

If any of my friends on this side of the House who advocate the establishment of a national bank, should be elected President—and if their political principles are to prevail with a majority of the people of this country, that majority could not make a better selection—in what situation shall we be placed? One of the first measures of the administration would be to establish a magnificent bank of the United States, with a capital of at least fifty millions of dollars, and with branches throughout the different States. A feeling of gratitude towards their creator would render them subservient to his will. It would be their pride and their pleasure to promote his influence and extend his power. We should have no more wars between the bank and the Government. They would move on harmoniously together. In other days, the time might arrive when the bank would be used by some bad and aspiring President as a powerful instrument to subvert the liberties of his country.

Even if such a bank could better regulate the currency and the domestic exchanges of the country than any other instrument, still it would be infinitely better to bear the ills we have, than to endanger the existence or the purity of our free institutions.

But would such a bank control and regulate the issues of the State banks? I answer, no. It would not, if it could; it could not, if it would. In the affairs of human life, if you expect one agent to restrain and control another, you ought to render either their interests or their inclinations different and counteracting. To accomplish this purpose, they must be "antagonistical" to each other. When such agents are corporations, this is emphatically true. Peculiarly governed by self-interest, they feel no enthusiasm unless it be to make large dividends for their stockholders. Now, a bank of the United States would have precisely the same interest with the State banks in making extravagant loans and issues. Whenever, in

their estimation, they could extend their accommodations, without endangering their own security, they would pursue that course. This is the powerful instinct of self-interest. You cannot change the fixed laws which govern human nature, by making men directors and stockholders in a bank of the United States. It is absurd to suppose that a large moneyed corporation, having in view solely its own interests, will voluntarily become the regulator of the paper currency of a great nation, and prevent those ruinous contractions and expansions under which both England and this country have periodically suffered. It would be easy for me to prove, at least to my own satisfaction, that, in point of fact, neither the first nor the last Bank of the United States ever did exercise a regular and efficient control over the issues of the State banks. On the contrary, whenever their interest impelled them to extend their own issues, they have pursued this course, and thus, instead of checking, they have given loose reins to the State banks. Both the one and the others have thus rushed together, and have together ministered to that spirit of over-trading and extravagant speculation which has so often desolated our country. To pursue such a course of illustration would, however, be to revive the old controversy; to tread the ground which has been so often trodden, and to divert me from that which more essentially belongs to the present question.

The mistake committed in regard to the deposit banks, was the belief that they would be able and willing to restrain the issues of the other State banks. Fortified with the public deposits, and numerous as they were, they might possibly have done something towards the accomplishment of such a purpose. But, bank like—human nature like—instead of aiming at any such result, the Government deposits became the instrument in their hands of still more extravagant credits and circulation. Their objects seemed to be not to restrain, but to give loose reins to the other banks and to themselves, and thereby increase their own profits.

Apprehensions have been expressed, and no doubt felt, in the course of this debate, lest a perpetuation of the divorce which now exists between the Treasury and the banks, might lead to the establishment of a bank of the United States. This event would, in my opinion, be much more probable should the late system be restored. It is, therefore, natural that the friends of such a bank should be in favor of this restoration. In such an event, let war come when it may, you will then not only be deprived of your own treasures, but specie payments will be suspended, the currency of the whole country will be deranged, and you will not be able to collect taxes from the people, unless it be in depreciated paper. At such a crisis, a Bank of the United States becomes inevitable. Let us then keep our money under our own control. Let us always

have it ready for use when it is required. Let us depend upon no banks, whether State or national, for this purpose.

It may be said that although the banks have suspended specie payments, yet the deposits which we have made with them will eventually be paid. This may, or it may not be. I doubt extremely on that point. If the event were certain, however, this is no answer to the objections against employing such depositories. In the day of danger they cease to be banks. Your money, which is the sinew of war, is withheld from you at the hour of your utmost need. Your resources are dried up, and your energies paralyzed, at the very moment when the utmost energetic energies are demanded. It would be but a poor consolation, either to the Government or people of this country, that, after having suffered all the evils and calamities of such a catastrophe, the commissioners of insolvency should finally pay them twenty shillings in the pound.

In the second place, I am opposed to returning to the system of deposit banks, because I feel no confidence that, upon a second trial, it would prove better than it did on the first. From the very nature and present organization of our State banking institutions, they must go from bad to worse. Their tendency is downward, and unless arrested by the vigorous action of the State Governments, the whole system must rush to inevitable ruin. I defy the art of man to devise a worse banking system than that which prevails throughout this country. The model of it upon paper was the Bank of England; but the whole capital of this bank is vested in loans to this Government, and is therefore as secure as the Government itself. Such is not the condition of any of our institutions. The public have no security that the whole amount of their capital stock may not be squandered; and the fact is, according to the statement of Mr. Gallatin, that one hundred and sixty-five of our banks broke between 1811 and 1830.

These banks, or all of them with which I am acquainted, enjoy, under their charters, a privilege which exempts their stockholders, in their individual capacity, from the payment of any of the notes or debts due by the corporation, in case it should become insolvent. There is, I believe, no restriction anywhere upon the amount of their profits or dividends, unless it be a trifling tax. And they are nowhere required to have any fixed proportion of specie in their vaults, compared with the amount of their circulation and deposits; certainly they are not in the State which I have the honor in part to represent.

If the Senator from Massachusetts and myself enter into a partnership to prosecute any business, and the partnership should fail, the private fortunes of each of us would be responsible for the debts of the concern. The partners and shareholders in the private or joint-stock banks of England are placed in the same

situation. No holder of such bank notes in that country, none of their depositors, can lose one dollar, until after the private fortunes of all the stockholders shall have been exhausted. This is a great security to the public. Not so the bankers in this country. They are a privileged class. That business which is more profitable than any other is conducted without any such risk. Cupidity is unrestrained by any such apprehension. It has a fair field to display itself. Each man puts into the concern the amount of his stock. When that is paid, the bank proceeds to make money as fast as it can, without the fear of future responsibility. How great is the temptation to excess! These banks create money as if by magic, in the form of bank notes or bank credits. These they exchange with individuals for their own notes or bills of exchange, discounting a high rate of interest from their face. Their extravagant issues and credits gave a stimulus to extravagant speculations; and our past history proves that the more they loan, the greater is the demand for new loans. The supply never equals the demand. The last few years has been the golden age for banks. I have no means of ascertaining their profits in different portions of the Union. I am sorry that the deposit law did not require the deposit banks to return to the Secretary of the Treasury the amount of their dividends. From all the information which I have received, they have been enormous. The Senator from Georgia (Mr. KING) has informed us that the banks in the city where he resides (Augusta) have divided, during the last year, at the rate of fifty per cent. per annum.

When a bank fails, what classes of society are most likely to suffer from the explosion? Who do you suppose, Mr. President, held the notes of the hundred and sixty-five banks that proved insolvent between 1811 and 1830? Not the shrewd man of business, not the keen speculator; because they snuff the danger from afar. It was the honest and industrious classes of society, who are without suspicion, and whose pursuits in life do not render them familiar with the secret history of banking.

We are now just experiencing another great evil which has resulted from the extravagant loans and issues, and consequent suspension of specie payments by the banks. The country is now deluged with small notes, vulgarly called shin plasters. They are of every form and every denomination between five cents and five dollars; and they are issued by every individual and every corporation who think proper. It is impossible for the poor man to say he will not take them; for there is scarcely any silver change in circulation anywhere. He must receive them for his labor, or starve.

The paper on which these small notes are printed is often so bad, and they are so inartificially got up, that it is almost impossible to distinguish between the counterfeit and the genuine. To counterfeit them has become a

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regular business, and it has been carried to a great extent.

Our currency below five dollars now consists of this combined mass of genuine and counterfeit shin plasters; and many of the counterfeits are intrinsically of equal value with the genuine. Some are payable in one medium and some in another. Some on demand, and others have years to run before they reach maturity. The very moment the banks resume specie payments, this mass of illegal and worthless currency will be rendered entirely useless. It will fall dead in the hands of its holders, and these will be chiefly the very men who are least able to bear the loss. A scene of confusion and distress will then be presented which I need not describe. Such is one of the effects of extravagant banking.

There is a class of society for whom I have ever felt a deep interest, whose attention I should gladly awaken to the evils of an excessive issue of paper currency—I mean our domestic manufacturers. Do they not perceive that all the protection which our laws afford them is rendered almost entirely useless by the extravagant amount of bank notes now in circulation?

It has been stated in general terms, by those who best understand the subject of political economy, that if you double the amount of the circulating medium of a country, you thereby double the nominal price of every article. "If, when the circulating medium is fifty millions, an article should cost one dollar, it would cost two, if, without any increase of the uses of a circulating medium, the quantity should be increased to a hundred millions." Although we cannot apply strict arithmetical rules to this subject, yet all will admit that the proposition is substantially correct. Let us then suppose that our currency has reached such a point of depreciation, when compared with that of our rivals in foreign countries, that an article which could be manufactured abroad for one dollar, would cost one dollar and fifty cents at home; and what is the consequence? A premium of fifty per cent. is thus, in effect, given to foreign manufactures over those of domestic origin. For example: A piece of broadcloth costs one hundred dollars to the French manufacturer; he brings it here for sale; and, on account of the depreciation in our currency, he receives for it one hundred and fifty dollars; what advantage does he thus obtain? Being the citizen of a foreign country, he will not accept our bank notes in payment. He will take nothing home except gold and silver, or a bill of exchange, which is equivalent. He does not expend this money here, where he would be compelled to support his family, and to purchase his labor and materials, at the same rate of prices which the domestic manufacturer is compelled to pay. The depreciation in our currency below the standard of that of France or England is, therefore, equivalent to a proportionate direct protection to the foreign over

the domestic manufacturer. The conclusion is inevitable. It cannot be denied. It is impossible that our manufacturers should long be able to sustain such an unequal competition. They, above all men, ought to exert their great influence for the purpose of confining the paper currency of our country within some reasonable limits. The fate of the great interest in which they have embarked depends upon it.

Our farmers in the grain-growing States are placed in a similar situation. The amount of our currency must be diminished, or foreign wheat will continue to be imported for domestic consumption. The farmer in the north of Germany will be able to undersell us in our own markets.

The banks, by their refusal to pay specie, have now placed themselves in the power of the State Governments. They have forfeited their charters, and it now remains for the different Legislatures to decide upon what terms they shall be restored. Amidst the general misfortunes of the country, it is one source of consolation that the banks have placed themselves within the power of the people. Had they not done this by their own conduct, we know that a numerous and powerful party exists in this country who consider a charter of incorporation so sacred that no State Legislature, by any future law, could ever restrict their own banks from issuing notes under ten dollars, if their charter authorized them to issue notes of a less denomination. According to the doctrines of this party, all power over the paper circulation of the country, which is one of the highest attributes of sovereignty belonging to the States, has, by them, been irrevocably transferred to eight hundred banks. Thank Heaven! every difficulty on that subject is now removed; and it will depend upon the wisdom and firmness of these Legislatures, whether we shall have a sound paper currency in time to come, proportioned in amount to the wants of the people, and placing the banks themselves in a secure condition; or whether we shall again be overwhelmed with a deluge of paper money and all its attendant evils. If they will but secure a specie basis for our paper circulation, by prohibiting the issue of bank notes, at first under ten dollars, and afterwards under twenty; if they will render the stockholders of banks personally responsible, at least for the amount of notes which they may issue; if they will limit the dividends of the banks to a reasonable profit on the investment of the stockholders; if they will require the banks to keep a just proportion of specie in their vaults compared with their circulation and deposits; and, above all, if they will adjust the whole amount of bank notes to be issued to the wants of the people, upon principles which have been sanctioned by experience, so as to prevent ruinous fluctuations in the amount of our currency—then, indeed, the evils which we have suffered will be compensated by the benefits we are destined to enjoy. But I con-

fess I dread the result. We are a strange people. The lessons of experience make but a feeble impression on our minds. We rise with so much buoyancy from our misfortunes, that when they have passed away they are instantly forgotten. Should the banks resume specie payments before or shortly after the next meeting of our State Legislatures, and the current begin to run smoothly again, I fear that no such changes will be made in the existing bank charters, and that we must await the event of another crisis, which would then be inevitable.

Until these or some such restrictions shall have been imposed by the States on their banks, they never can, they never will, become secure depositories for the revenues of the Government.

In the third place, the union, which is now dissolved, between the banks and the Treasury, ought not to be restored; because the public deposits would again become the fruitful source of over-issues and extravagant speculation. We have no power to regulate the State banks; but we can withhold from them our revenue, and thus prevent them from using our means for the purpose of deranging the business of society. If we cannot eradicate, we are not bound to aggravate the radical sin of their constitution. If we cannot prevent, we need not become accomplices in their misconduct. But I have already incidentally said so much in the course of my remarks on this branch of the subject, that I need not trouble the Senate with any further observations.

In the fourth place the divorce now subsisting between the Treasury and the banks ought to be rendered perpetual, because of their supposed or actual subservency to the Government, and the dangerous influence which might be exerted over them by the Executive.

I am not one of those who believe that, hitherto, any attempt has been made to exert such an influence; yet every effort has been used by a portion of the press to produce such an impression. These institutions have been denounced as "the pet banks" of the Government, and they have been charged with granting peculiar favors to the minions of Executive power. True or false, this charge has produced some effect on the public mind. Besides, all the transactions of the Secretary of the Treasury with these banks, rendered necessary by existing laws, have been denounced as tampering with the currency. And thus the administration is always blamed for every disaster which occurs in the money market. A connection with these banks is thus made to assume a political character, and is mixed up with all the party strife of the day. The public mind is inflamed upon the subject, and the public suspicion is excited. This is an evil which can only be avoided by a permanent divorce between bank and State.

But again: If a Secretary of the Treasury were disposed to exert an improper influence over these banks, with what prodigious effect

might they not be used to accomplish his purposes. At the time of the suspension of specie payments there were eighty-six deposit banks planted throughout our country. The letters which were read the other day by the Senator from Mississippi (Mr. WALKER) prove how low some of the State banks were willing to cringe in order to obtain the deposits. Their language is unworthy of the proud bearing which ought to characterize American freemen. It proves at least, that some of them are not very scrupulous, when "thrift will follow fawning." Such was the anxiety to obtain a portion of this boon, that two of the most respectable banks of the city of Philadelphia procured resolutions to be passed in the House of Representatives of Pennsylvania, recommending them to the Secretary of the Treasury as depositories of the public money; and these resolutions were sent to my colleague and myself, with a request that we might exert our influence to accomplish this purpose. Eighty-six affiliated banks, scattered over every State, and intent upon a common object, could exert an immense political power. An ambitious and able Secretary of the Treasury might use them with prodigious effect in order to make himself President. And this could be done with the greater effect because it would escape detection. The agent of the banks at Washington city might be used as the instrument, and all the necessary measures might be adopted in the secret parlors of the bank directors throughout the country. A concerted movement might thus be made in every portion of the Union at the same moment, which would almost be irresistible.

I do not know but that such a league of associated banks might be rendered more dangerous than even a bank of the United States. This bank would have its rights and its duties defined by law. It could claim the Government deposits, and that its notes should be received in payment of the Government dues, under the provisions of its charter. But the selection of these depositories, the amount of the public money which they shall receive, how long they shall retain it, in what manner they shall conduct their banks, all, all is left to Executive discretion. What a boundless field for Executive patronage! And yet the administration which anxiously desires to surrender this fruitful source of political power, has been charged with designs of extending Executive patronage? And for what reason? Simply because it proposes that the existing officers of the Government, without adding one to their number, should be substituted as the depositories of the public money instead of these banks. Even if it should become necessary to appoint some ten or twenty additional officers at the most important points to perform this duty, I would not compare this increase of Executive patronage with that which the Executive Government is now voluntarily willing to abandon. It would be but as a drop compared with the ocean. Talk not, then, to

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me of the increase of patronage which the bill upon your table would confer on the Executive. They form a very unjust estimate of the intelligence of our citizens who would attempt to make them believe that a few Executive officers, known to be such to all the surrounding community, can exercise an influence over the people at all to be compared with that of a league of eighty-six banking institutions.

This now brings me to the bill upon your table. This bill is the only remaining plan to which we can resort. It recommends itself to public approbation by the simplicity of its provisions. The existing officers of Government already collect and disburse our revenues. It merely superadds to these duties, that of safely keeping and transferring the public money, according to the exigencies of the Government, during the time which must necessarily intervene between its receipt and disbursement. This is the whole bill. If it be justly liable to any criticism, it is that the security of the public money might require the appointment of a very few additional officers in our large commercial cities. It has, perhaps, been framed more exclusively with a view to economy, than is consistent with the public interest. The object is a great and important one, and no moderate additional expense ought to be spared which may be necessary for its accomplishment. Such is the bill.

The Senator from South Carolina (Mr. CALHOUN) has proposed an amendment to this bill, prescribing the funds which shall be received in payment of the public dues. And here permit me to observe, that, in discussing that amendment, I shall not inquire whether the Senator has come over to us, or we have gone over to the Senator. This is a question of but small moment, so that we are now together. The first extended effort which I ever made in Congress was in defence of the conduct of that Senator, when I thought he had been unjustly assailed as Secretary of War. We stood together shoulder to shoulder in 1827, and throughout the trying conflict which resulted in the election of General Jackson. I rejoice that he is now found sustaining the leading recommendation of the Message at this important crisis, and I trust that on future occasions we may receive his able and efficient support.

With all these feelings of distinguished respect for the Senator, I am still sorry that he has offered his amendment. I should have been glad if the vote of the Senate could have been taken upon the simple proposition to divorce bank and State. On this single question we should have, I think, presented a more united front than when it shall be connected with the Senator's amendment. It would have been better first to have established the divorce, and afterwards to have determined, by a separate bill, the nature of the funds which our depositories shall receive.

For my own part, as to the funds receivable, I feel strongly inclined to support the recom-

mendation of the Secretary of the Treasury. In page 23 of his report, when speaking on this subject, he says:

"This could be effected by directing what alone appears safe, and what is understood to be the practice in both England and France. It is, that the bills of no local banks be taken, which shall not, from the near location of the bank, be equivalent to specie; be able to be converted into specie at very short periods by the receivers and collectors, so as to pay the public creditors legally, if demanding specie; and be thus accounted for at par, and without expense to the Government. Another advantage from this course would be its salutary check on over-issues by the neighboring banks."

If the depositories were authorized to receive and disburse the notes of such banks, calling upon them at short intervals to settle the balances in specie, it might, I think, have promoted the convenience of the public, as well as afforded a salutary check upon the issues of the surrounding banking institutions. I understand such was the course pursued by the late Bank of the United States. I was willing to proceed cautiously, and not, at the first, go the length of demanding exclusive specie payments.

But the Senator from South Carolina has thought differently, and I shall be compelled to vote for or against his amendment. Giving every consideration its proper weight, I have, since he has agreed to modify it, determined to yield it my support. As it now stands, the notes of specie-paying banks will be receivable in the payment of all the public dues up till the last day of the year 1838; during the year 1839, one-fourth will be required in specie; during the year 1840, one-half; during the year 1841, three-fourths; and not until the year 1842 shall we reach the point of exclusive specie payments. Its operation will be slow and gradual; and if, in the mean time, we should discover, at any stage of its progress, that it is too severe, we can easily change the law.

Mr. PRESTON said: Mr. President, I deprecate this mad and ferocious warfare against any of the institutions of the country, against the United States Bank formerly, against the State banks now. It does not appear to me that this root and branch policy, this tearing up things established, to supply their places with new theories, however neatly constructed, or carefully elaborated, is the part of prudence and wisdom. My nature and habits of thought, confirmed by the terrible experience of the last four years, make me a conservative. I hesitate at every proposition to destroy, that you may build again. If any of our institutions have suffered damage, let us repair them; if any portion of the vast edifice of our prosperity has been injured, let us with a cautious and reverend hand restore what has been lost, strengthen what remains, adjust the proportions, if you choose, proceeding in all with a sedate and steady purpose of not weakening the deep foun-

dations. Let us not, sir, with a fantastic caprice tear down the solid, and let me say glorious fabric of our prosperity, that we may try, by as futile a device as the lamp of Aladdin, to build up another in one night, of fairy marble, and gold, and gems.

It is the part of statesmen to deal with the circumstances around them. In the closet of a philosopher, in the desk of a professor, speculation may discuss what is best, and genius indulge its aspirations for the "chief good;" but the practical politician is fenced around by inexorable necessities. He has to deal with things, not with ideas. He must control, not create. He must govern himself by the circumstances amidst which he finds himself, use the instruments that are presented to him, and be content with such results as he can attain, without attempting such as he can imagine. The genius and temper of Napoleon might aspire to a different destiny; but ours, thank God, is humbler and safer. We administer a limited Government, for free and self-willed States, whose bidding and whose business we are to do. They have placed us their servants in the midst of a great banking system; a system of credit, surrounding, pervading and penetrating the whole body politic.

Mr. President, we must conform to our condition, we must work upon the platform prepared for us, we must use the materials furnished to our hands. It is in vain to try to extricate ourselves from the condition of our existence. We have not the strength (God forbid that we should have it!) to disconnect ourselves from the circumstances in which the States place us. And if we attempt to tear ourselves loose from them, there may be much suffering, a struggle, an agony—but you will have at length to come back to your allegiance, and content yourself with reform instead of revolution. Let us, then, wisely and at once, begin to correct, control, regulate, modify, adjust, do any thing but destroy.

SATURDAY, September 30.

Sub-Treasury Bill.

The Senate took up the sub-Treasury bill, with Mr. CALHOUN's amendment.

Mr. BROWN said, in rising to address the Senate, after the very able and luminous investigation which the subject then before them had undergone, he did so from no vain expectation that he should be able, by any thing he might say, to impart any new interest to the debate, which had been listened to so attentively, or to add any thing of force to the argument by which it had been sustained. The acknowledged importance of the question they were called on to decide, the powerful influence it would exert on the future destinies of the country, either for good or evil, and the deep interest felt in relation to it by the citizens of the State which he in part represented, would, he trusted, excuse

him for presenting some of the leading considerations which would govern his course on that occasion.

Mr. B. would present some of the principal considerations which had induced him to give the bill then before them, and the amendment proposed by the Senator from South Carolina, (Mr. CALHOUN,) his cordial sanction and support. The same considerations of wisdom and of common prudence, which would induce an individual to change an agent in whom he had reposed a trust, and who had proved unfaithful or incompetent, should admonish us, in our public capacity, to withdraw our confidence from those fiscal agents of the Government, who had so signally failed in performing the duties undertaken by them. The State banks had been tried as fiscal agents of the Government, under circumstances the most favorable to success. The nation had seen, with astonishment, in a period of profound peace, with no public debt burdening our resources, and with a Treasury abounding in means beyond all former example, the Government of the United States suddenly deprived of the means to carry on its ordinary operations, by the determination of the banks having possession of its revenues to suspend specie payments. Was it the part of wisdom, under such circumstances, to renew the connection between the Government and the banks? Was it proper for those entrusted with the duty of conducting public affairs, again to subject the Government to the recurrence of the same evil, with perhaps still more aggravated injury?

For one, he wished to see the Federal Government taken out of the keeping of irresponsible banking corporations and subject to be controlled alone by the will of the people, its only legitimate masters. So long as banks were made the depositories of the public revenue, the Government was dependent on them in conducting its most important operations, either in peace or war. Its action might be arrested by their withholding its means in periods of the greatest public emergency. It could not in war command a squadron to sail, or put a battalion in motion, if the banks entrusted with its revenue should determine to withhold it. Its very existence might be endangered by being brought to a pause for the want of means. The reflection was humiliating, that a Government, which was noble in the republican simplicity of its structure, and destined to solve the problem of the capacity of man to govern himself, should be made to depend on the will of banking corporations for so important an element of its success as the certain command of its revenue. In placing it, in this way, at their mercy, it was exposed in its financial affairs to all the evil influences which they might exert, whether arising from caprice, political hostility, or the vicissitudes of trade. Nor was this exhibiting the danger arising from this system in its true extent. It could be demonstrated that the banks of any single one of the large com-

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mercial cities, in a period of overtrading, would have it entirely in their power, by suspending specie payments, to compel a general suspension of all the banks throughout the United States; and, by doing so, arrest the regular operations of the Government! The banks of a single city in one of the Eastern States, at a very gloomy period of the last war, availing themselves of the balances which had accumulated in their favor, in the course of trade, against the large commercial cities of the Middle States, had, by a demand on them for payment in specie, caused a suspension by the banks throughout the United States! This movement struck a blow at the Government, which had well nigh proved fatal to the success of all its operations in the great contest in which it was then engaged. That it was, in a great degree, the result of hostility to the cause in which the country had embarked, was then extensively believed, nor has that impression to this day been removed.

The State banks are, from the course of commercial transactions, so intimately and closely connected together, that what affects any portion of them in any one of the principal cities, is, to a greater or less extent, felt by all. The stoppage of the banks at either of the great commercial points, almost with the quickness of electricity, is felt by all and is followed by all throughout the country, as a measure of self-protection. If this was proven to have been the case by the occurrence of that kind which took place in the last war, the circumstances of the country which now exist, are still more peculiarly calculated to produce such a result. The great increase in our internal trade, as well as foreign commerce, and the rapidity of communication now existing between the remotest points of our country, had produced a still closer connection and sympathy between the banks than formerly existed, and doubly subjected all to the danger of being affected by causes operating on a few at a single great commercial point.

He had shown the great uncertainty and danger which the Government, by depositing its revenue with the banks, would be continually liable to, in its financial affairs. He had shown that these results might be brought about by the determination of the banks, at a single leading commercial city. Was it the dictate of wisdom thus to place this already great and rapidly growing republic under the control of a few great commercial cities, in a matter so materially involving its success, as well as its very being? Was it sound policy in that way to expose its financial action to the deleterious influence of the national Bank of England, and the great moneyed power of that country? Much the larger portion of the foreign commerce carried on by our great cities, was with England. He was informed that even a very large portion of the trade carried on by American merchants with other foreign countries, was conducted by means of credit obtained through the great banking houses in that country.

It was the misfortune of our great cities,

if it was to be regarded as such, almost continually to stand indebted to England in a very large amount. Whenever our merchants overtraded with her to any considerable extent, her national bank could, if she chose it, produce a pressure through them on our city banks, and produce the hazard of their stopping specie payments. Her powerful agency to accomplish such a catastrophe may be seen in the suspension of specie payments by all our banks, which has lately occurred in this country. The first movement which led to that unfortunate result was that made by that bank, by which she compelled the great banking houses of England, connected with the American trade, to discredit American merchants. Indebted to England as they were in a sum estimated at about thirty millions, and unable longer to draw bills to meet their payments on her banking houses, which had before given them almost unlimited credit, they were driven to the only other expedient left them of making remittances in specie, the demand for which compelled the banks first in our great commercial emporium to close their vaults.

Nor would a national bank have shared a different fate, if one had been in existence, under the same overwhelming causes. It would, no doubt, have been forced, under the great and extraordinary pressure for specie, to have yielded to the storm. To reunite the Government with the banks, would be, therefore, to subject it, in a period of overtrading, to the dangerous influence of the great moneyed power of England, operating at such a time, first on our merchants engaged in foreign trade, next on the banks, and, through them, on the finances of the Government. If its independence was to be preserved—if its regular constitutional action was to be kept up, impelled alone by the vigor of the public will—then the separation of its financial interests from the banks entirely was a measure indispensable. That alone could secure to the people, in its administration, those great and important ends in a republican form of Government to which he had alluded, and free it from the extraneous influences which threatened such serious mischief.

He had noticed some weeks previous to the banks having stopped specie payments, the simultaneous movements of certain presses devoted to the interests of the Bank of the United States, tending to produce that result. They predicted that the banks would stop, and some of them zealously urged them to that course. He did not positively know that it was their design through the instrumentality of a panic, to bring about that result, to which their labors had powerfully tended for so long a time; but the time, the manner, and the circumstances, all went strongly to favor that supposition. The time selected for this movement, when mercantile failures were daily occurring, was of all others the most favorable to produce distrust and alarm in the public mind, as to the solvency of the banks, and, consequently, to cause a general

demand on them for specie, by depositors, and those who held their notes. The manner of the attack, by commencing it about the same time at three or four important points, distant from each other, showed it to be, if not a matter of concert, at any rate a singular coincidence. The circumstances under which it was made, were exceedingly well calculated to produce the political effect doubtless ardently desired by those engaged in the crusade against the administration. Very many of our citizens were involved in heavy pecuniary embarrassments, the fruits of the wildest speculation. The States—many of them in the anticipation of receiving their proportion of the surplus revenue—had embarked in expensive plans of improvement; and the whole of the public revenue belonging to the General Government was deposited in the banks, thus liable to be affected. In this state of things, it was no doubt imagined by many of those who are desperately determined on producing a political revolution, that to stop the banks was to pull down the administration. It was a blow which, by the sufferings it inflicted, was to awaken the slumbering community to the merits of a national bank. It would disappoint the States in their expectations of receiving the surplus revenue. Finally, that it would stop the wheels of Government, and afford the enemies of those in power the opportunity of exultingly pointing to its bankruptcy, and proclaiming the mismanagement of its revenues. He regarded the great body of those in opposition as honest and patriotic citizens, and was far from believing that they were prompted by such motives as he had alluded to; but, at the same time, he felt regret at being compelled to express the belief, forced on him by the circumstances he had described, that there were some to be found among them ready to compass their objects at the expense of the prosperity and best interests of their country.

It would not, he thought, be doubted, on a candid review of the history of the last three or four years, that the connection between the Government and the banks had invited and been made the cause of the harassing warfare which, to subserve party purposes, had been, in that space of time, almost constantly kept up against the deposit banks, and, consequently, affecting to a great extent the interests and business of the country. The streams of the money circulation never can run clear or smooth while they are liable to be muddled and lashed into impetuous violence by being mingled with political excitement. The country will be perpetually liable to experience inundations at one time in its circulation, and at another to suffer sudden reactions. The true remedy is, then, to remove the cause by severing the connection between the Government and the banks. By doing this, many of the most powerful motives to produce agitation on this most delicate and sensitive question will be effectually removed.

The President, in recommending a severance of the connection between the Government and

the banks, had assumed an attitude of dignified firmness and moral elevation worthy the character of the Chief Magistrate of the nation. It carried out the doctrine into practice, that simplicity in the administration of a Government founded on the will of the people, while it is the readiest means of perpetuating its principles, is the surest way of securing their esteem and approbation. It voluntarily proposed to relinquish whatever of power and influence might be derived to the Executive branch of the Government from a connection with moneyed institutions, and, in doing so, would leave it to repose on the wisdom of its policy, and the merits of its measures, for public support.

Mr. B., in conclusion, said it was now very apparent that the decision of Congress would be ultimately narrowed down to a choice between the plan of fiscal agency then proposed, and the establishment of a national bank. The State banks had, on a fair trial, proved themselves incapable of fulfilling the duties of such a trust, and if again resorted to, would, in all probability, sooner or later, present a repetition of the difficulties in which they had recently involved the Government and the country. To the creation of a national bank, in any form, he had objections of an insuperable character. The argument made by gentlemen who had preceded him in debate, against its constitutionality, was unanswered and unanswerable. The objections to it, as a measure of expediency, were equally strong and decisive. The remedy which it would afford would be worse than the disease, which its friends professed its capacity to relieve. Besides its tendency to produce pecuniary distress for some time before it could go into operation, if established under the pressure of the present pretended necessity, it would be fixed on the country, notwithstanding any abuses it might commit, for ages to come. The argument would be constantly and readily used by its advocates, that it must be continued, or the prosperity of the country ruined.

Renewal of Revenue Bonds.

Mr. GRUNDY, from the Committee on the Judiciary, to whom the subject had been referred, reported a bill to regulate the fees of District Attorneys for the renewal of custom-house bonds. Read, and ordered to a second reading.

This bill fixes the fees at five dollars for each renewal.

MONDAY, October 2.

Sub-Treasury Bill.

The sub-Treasury bill being resumed, Mr. BAYARD, of Delaware, addressed the Senate.

Mr. President: The bill now before us proposes three measures: the first of which is, to dissolve all connection with the banks; sec-

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only, to substitute the agency of certain officers, thirteen or fourteen thousand in number, for that of the banks in keeping the revenues of the Government; and, thirdly, to receive, after a certain period, nothing but gold and silver coin in payment of Government dues. The objects which are said to be contemplated as the results of these measures are, first, to secure the Government against loss in the keeping of its treasure; and, secondly, to provide a currency of gold and silver coin, which is declared to be the constitutional currency. The measures themselves have nothing to recommend them beyond their supposed tendency to accomplish these objects. Before proceeding, however, to the discussion of these matters, it is necessary to have a just and precise conception of the objects, the accomplishment of which is said to be contemplated.

The first, which respects the fact of security against loss in keeping the public treasure, is easily understood, but the other, the favorite object, of providing a currency of gold and silver coin, requires some explanation. It has been supposed, sir, and I confess I entertained the same opinion, that some of those who advocate these measures were bent on procuring a purely metallic currency for the country, to the exclusion of all paper; while others were aiming only at a larger infusion of the precious metals into the circulating medium, being perfectly satisfied that a considerable part of it should still consist of convertible paper. I am convinced, however, from a closer attention to what has heretofore passed on this subject, that the views of all of us are directed merely to the enlargement of the metallic portion of the currency, by changing the ratio of the mixture of paper and coin, as it existed before the suspension of specie payments. The case is not, therefore, rightly presented by the Senator from Missouri, (Mr. BENTON,) when he states it to be a contest between opposite systems of paper and coin; but, in fact, whatever difference of opinion exists in relation to the currency is merely as to the relative proportions in which paper and coin should compose it.

No one, at least to my knowledge, Mr. President, has professed to countenance, much less to recommend, an inconvertible paper medium, except, indeed, the Senator from South Carolina, (Mr. CALHOUN,) who seems to think that a Government paper is the only safe one. I shall proceed, therefore, to show what are the different views entertained on this subject, and the probable effect which the different propositions heretofore made for the suppression of notes of a low denomination would have upon the currency. The Senator from Missouri, (Mr. BENTON,) who has taken the lead upon this subject of metallic currency, may very fairly be taken as the exponent of the views of those who are most partial to the precious metals. His proposition is to suppress all notes under one hundred dollars, as appears from the speech delivered by him on the 27th January, 1837,

on the resolution to rescind the Treasury order, in which he cites his speech on the subject of the District banks in the preceding session, as containing his views on the subject. The following is an extract from that speech:

"Mr. Benton said that the proposed limit of twenty dollars for the minimum size of bank notes was not an arbitrary assumption or a fanciful designation; but was a limit ascertained by experience and proven by results to be the lowest that would suffice to accomplish the ends intended: these ends are, 1st. To re-establish the gold currency. 2d. To make gold and silver the common currency for all the small dealing of the country. 3d. To extend and enlarge the specie basis of the paper circulation. 4th. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank issues. 5th. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burden of the wear and tear of small notes. 6th. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than \$20 will have no adequate effect. Far better would the limit be of \$100, as it is nearly in France, and where that limit ensures a circulation of nine-tenths gold and silver and one-tenth paper."

It thus appears, Mr. President, that the most zealous advocates of a hard-money currency do not contend for the entire expulsion of paper, but desire a larger infusion of precious metals into the circulating medium. We are all agreed as to the odious and unconstitutional character of a mere paper currency, for a mixed currency of coin and convertible paper cannot be denominated a paper currency. The different views, then, which are entertained as to the ratio of this mixture of paper and coin in the circulating medium, may be reduced to three classes: first, of those who, with the Senator from Missouri, (Mr. BENTON,) are in favor of a suppression of all bank notes under \$100; secondly, of those who, with the Senator from Virginia, (Mr. RIVES,) are in favor of a suppression of all notes under \$20; and, thirdly, of those who are of opinion that the suppression of all notes under \$10 will be sufficient to ensure a due proportion of coin in the circulation. Before proceeding to my argument, I think it important to the perfect comprehension of the matter, that we should first settle, as nearly as practicable, the effect which would be produced upon the actual currency of the country by the adoption of either of the above suggestions. Fortunately, sir, we are not without the means of doing so. The report of the Secretary of the Treasury upon the condition of the State banks, made at the last session of Congress, in that part of it which relates to the banks in the State of New York, furnishes some data for that purpose. I take the instance of the New York currency, because it is the only one, the component parts of which are stated, and I presume that those facts which are found to be true in relation to the paper part of that currency, will be found

to be nearly so in relation to the paper part of the currency of the whole country, although it is very probable that a difference, more or less considerable, may be found to exist in the currency of some particular States. But, so far as my argument is concerned, it is of no consequence whether the statement be precisely accurate or not; the object being to give some definite idea of the practical effect of those views. In that report the entire paper currency, on the 1st of January, 1836, of the State of New York, is stated to be \$21,123,089, which, with the sum of \$4,000,000, the probable amount of coin in circulation, would make the entire currency of paper and coin about \$25,000,000. It appears from that report, that the whole number of bank notes in circulation of the denomination of \$100 and upwards, amounted to \$5,230,200, which is about one-fifth of the whole currency; that the whole number of notes in circulation of the denomination of \$20 and upwards, amounted to the sum of nearly \$8,000,000, or about one-third of the whole currency; and that the whole number of notes in circulation of the denomination of \$10 and upwards, amounted to the sum of \$12,265,765, or about one-half of the entire currency. It will follow, then, that to suppress all notes under \$100 would give four parts of coin, and one of paper, of the whole currency; while the suppression of all notes under \$20 would give two parts of coin and one of paper, and the suppression of all notes under \$10 would give a currency one-half of coin, and the other of paper.

It is of no consequence to my argument whether these ratios be exactly correct: it is sufficient if they be an approximation to the truth. Let us then apply them to the whole currency of the United States, and observe the result.

The Secretary of the Treasury, in his annual report on the state of the finances, made at the commencement of the last session of Congress, estimated the entire currency of the United States on the 1st of December, 1836, to be \$148,000,000, of which \$120,000,000 were paper, and \$28,000,000 coin. As it is necessary to take some specific amount for the purpose of calculation, we will take that to be the actual amount of the entire currency of the country. The effect upon that currency, of the proposition to suppress all notes under \$100, would, from the analogy of the New York currency, be, to give us \$118,400,000 of coin, and \$29,600,000 of paper, as the relative proportions. The proposition to suppress all notes under \$20 would give nearly \$99,000,000 of coin, and \$49,000,000 of paper; while that to suppress all notes under \$10 would give \$74,000,000 of coin, and \$74,000,000 of paper. This view of the matter is entirely distinct from the question of how much coin it is proper for the banks to keep in their vaults as the basis of their paper circulation; and which experience would seem to indicate to be about one-third.

Now, sir, I propose to show that, whether the object be to increase the ratio of the mixture of coin in the whole circulation as it existed on the 1st of December last, or to provide an exclusive metallic currency, the means now proposed by the bill before us will not only not promote that object, but defeat it altogether. To do this, it is only necessary to advert to a few simple principles, which are established laws of currency. The purpose of a currency being to effect the aggregate payments of the nation, a given amount in value, less than the amount of those payments, but having a proportionate relation to them, is necessary for that purpose. It is also true that gold and silver are the standards of value over the whole world, and are, at the same time, objects of commerce and materials of currency. From these facts results a law of mixed currency, that paper will expel the coin unless it be restrained in its numerical amount and denomination. Of this fact abundant evidence may be found in the history of every civilized nation. But, sir, I will not trouble the Senate by referring to the elementary writers as authorities upon that point. I shall content myself with authorities nearer home. I mean to forage in the enemy's country; and I will cite one, which I presume will be satisfactory, not only to the Senator from Missouri, (Mr. BENTON,) but to those also who are most zealous on the subject of the gold and silver coin, being no other than the speech of that Senator upon the District banks, delivered in the session of 1835-'6, to which I have before referred, and from which I now read the following extract:

"The great evils of a small paper currency are: 1. To banish gold and silver; 2. To encourage counterfeiting; 3. To destroy the standard of values; 4. To throw the burdens and the evils of the paper system upon the laboring and small dealing part of the community. The instinct of banks to sink their circulation to the lowest denomination of notes which can be forced upon the community is a trait in the system universally proved to exist wherever banks of circulation have been permitted to give a currency to a country, and the effect of that instinct has always been to banish gold and silver. When the Bank of England was chartered, in the year 1694, it could issue no note less than £100 sterling; that amount was gradually reduced by the persevering efforts of the bank to £50; then to £20; then to £15; then to £10; and at last to £5; and, finally, to £2 and £1. Those denominations were not reached until the year 1797, or until one hundred and three years after the institution of the bank; and, as the several reductions in the size of the notes, and the consequent increase of paper currency took place, gold became more and more scarce, and, with the issue of £1 and £2 notes, it totally disappeared from the country. This effect was foretold by all political economists, and especially by Mr. Burke, then aged and retired from public life, who wrote from his retreat to Mr. Canning, to say to Mr. Pitt, the Prime Minister, these prophetic words: 'If this bill for the £1 and £2 notes is permitted to pass, we shall never see another guinea in England.' The bill did pass, and the prediction was fulfilled; for not another

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guinea, half guinea, or sovereign was seen in England for circulation, until the bill was repealed two-and-twenty years afterwards."

The report of the New York bank commissioners, made on the 23d of January, 1836, is to the same effect, showing that the practical experience of our own country corresponds with that of England. The commissioners say:

"The measures adopted at the last session of the Legislature for the suppression of the small bank notes have, so far as they have yet gone into operation, occasioned as little inconvenience as was to have been expected. The effects of the change were not sensibly felt until about the 1st of September, and, since that time, a large amount of specie has been put into circulation, which will be very much increased after the issues of the three dollar notes shall have ceased. Our Canadian neighbors, however, circulate a very large amount of small bank notes, which are taken as freely on the adjoining frontier of the State as our own notes or specie. In a considerable portion of St. Lawrence county, where the intercourse of the inhabitants is chiefly with Canada, the law is entirely disregarded. It is more or less so in the counties bordering upon Vermont, in the extreme western counties, and in the city of New York. It will be found impossible, we apprehend, to enforce the law effectually so long as the small notes are issued by the banks of the adjoining States."

There can, therefore, I think, sir, be no doubt upon this point, that it is the inflexible law of a mixed currency of paper and coin, that the cheaper material supplants the more costly one, and that the only mode by which you can secure a proper admixture of coin is by the suppression of the small notes. I am thus particular as to this practical truth, because upon it is based the whole structure of my argument. I have before stated that the whole currency of the country is assumed to be what it was on the 1st of December last, as appears from the Secretary's report, \$148,000,000, of which \$28,000,000 was coin and \$120,000,000 bank notes. The Government furnishes the coin—the banks furnish the paper part of the currency. We are all agreed that, to constitute a sound currency, there should be a larger admixture of the precious metals. Those who are in favor of the suppression of notes under \$10 wish, as I have shown, to raise the amount of coin in circulation from \$28,000,000 to \$74,000,000; those in favor of the suppression of notes under \$20, to raise the amount of coin to \$99,000,000; and the Senator from Missouri, and those who think with him that all notes under \$100 should be suppressed, wish to raise that amount to \$118,000,000. And yet, sir, what means do they now propose to take in order to accomplish this purpose? Why, sir, to separate the Government from the banks! To divorce the Government from the banks! To leave the banks to themselves! The Senator says they have fallen into the sea, and he will not assist to angle them out! And this, too,

after we have been told by the Senator himself, and the proposition is undoubtedly true, "that the instinct of banks to sink their circulation to the lowest denomination of notes which can be forced upon the community, is a trait in the system—and the effect of that instinct has always been to banish gold and silver." No, sir, you cannot leave the banks to themselves; you cannot divorce the Government from them! You must watch over and regulate them, if you mean to accomplish the object which you profess to have in view, namely, the improvement of the currency.

But it is said that, by requiring payments to the Government to be made in coin, you will compel its circulation. Well, sir, to what extent do you compel that circulation? To the extent only of the amount that is absolutely necessary to effect those payments. The President tells us in his Message that the amount of coin which would be necessary for that purpose is about \$10,000,000. Then, I say, in the event of the non-resumption of specie payments by the banks, your currency would consist of \$138,000,000 of paper, and, what is worse, of inconvertible paper, without a limit to its extension; and of \$10,000,000 of coin, and that coin would be confined to the channel of Government receipts and Government payments. The currency would submit to the force you put upon it, just to the extent of that force, and no further. Your action would resemble in its effect a proviso to a general law, which is a restraint only to the extent of the proviso; and your coin would circulate only in the channel which you had dug out for it. If, on the other hand, the banks should resume specie payments, and the currency should be again composed, as it was on the first of December last, of \$28,000,000 of coin and \$120,000,000 of paper, then, I say, sir, that, as there would be specie more than enough, in circulation, to answer the payments of the Government, the measure of demanding payment in coin would have no tendency whatever to increase the amount. The reason of all this is apparent, and is to be found in the fact which I have stated, that paper will banish coin from circulation unless restrained, and will always do so up to the point of that restraint.

But it is not necessary to resort to any speculative reasoning in proof of these positions. You have now, sir, in the present state of things, the most positive proof of their truth. Does not the Government at this moment demand payment of its dues, of its duties, its postages, and its sales of public lands, in coin? And yet does that coin enter into the general circulation? Is it not confided entirely to Government debtors and Government creditors, to those who consume the revenues and those who pay them? I say, then, sir, that the result of your measure is this, and this only, to secure coin as the currency for the Government, and leave paper as the currency of the people. It is no unusual thing, Mr. President,

to see those at the head of the Government profess one thing and do another.

I come now to the consideration of my second proposition, which is, that Congress is bound to furnish a sound currency of coin and convertible paper for the people of the United States. To any one read in the history of this country, and in the text of the constitution, it would seem strange that it should be deemed necessary to formally propound such a proposition, much more so to prove it. But the peculiar tone of the Message, and the doctrines of some of the supporters of the administration on this floor, would lead one to suppose that the constitution had been formed, and the Government created, for no other purpose than to take care of itself. Is it then true, sir, that this Government was created, merely that Martin Van Buren might be President, and enjoy the dignity and emoluments of his office; that you, sir, should be Vice President, and we Senators of the United States, with the privilege of franking our letters and receiving a *per diem* of eight dollars in gold and silver? Was that the end and purpose of all the anxious deliberation of that band of patriots who assembled in Philadelphia to form the constitution, and of the cession, in that instrument, on the part of the States, of almost all the high attributes of sovereignty? I had hitherto thought the object had been "to promote the general welfare of the people of the United States." I was taught to think that the powers of this Government were trusts for the benefit of the people, and that the end and object of the constitution was to promote their welfare. It seems, however, sir, that those who administer the Government read that instrument differently, and have come to the enlightened, profound, liberal, and statesman-like conclusion, that the Government was created merely for their benefit, and that the people have no part or lot in the field of its operations. Let us, then, examine for a moment the soundness of this opinion, so far at least as the currency is concerned, that being the matter immediately under consideration.

Every one familiar with the history of the revolutionary war, knows that we came out of that conflict with a ruined commerce and a debased currency of inconvertible paper; that the States refused to confer on the old Congress the power to levy duties on imports, and were unable to enjoy the benefit of that indirect mode of taxation themselves. That if New York, for instance, sought to raise a revenue from her commerce, New Jersey interfered and defeated her plans by throwing open her ports. That, in the same manner, the commercial regulations of Pennsylvania were at the mercy of the State of Delaware, and were, in fact, frustrated by the legislation of that State; and so of the other States. In the hopeless imbecility of commercial enterprise which grew out of this condition of things, the people saw the necessity of a General Government, which

should have the power to regulate commerce, and provide a uniform and sound currency for the country. The main and immediate inducement for the formation of the present form of Government was the desire to escape from these distresses and embarrassments, which, from their all-pervading character, could only be cured by a National Government. Hence we find that the express power is given in the constitution to regulate commerce, as well as the express power to regulate the standards of value and quantity, which are the legs of commerce.

I shall not, sir, after the luminous and powerful argument of the Senator from Massachusetts, (Mr. WEBSTER,) upon this power to regulate commerce, attempt to say any thing in illustration or support of it. I would not be chargeable with attempting "the wasteful and ridiculous excess of adding perfume to the rose, or gilding refined gold," but will content myself with remarking, that one might fairly conclude that as commerce in modern times is no longer carried on by barter, but is conducted, in its minuter details, by means of money; and, in its larger operations, by the commercial currency of bills of exchange and promissory notes, the power to regulate commerce gives the right to regulate the means by which it is conducted. I proceed, therefore, to consider other provisions of the constitution. My proposition is, that Congress is bound to furnish a sound currency of coin and convertible paper for the people of the United States. I say of coin and convertible paper, for I consider the latter as equivalent to coin in the matter of currency. If, therefore, any one should be of opinion that Congress is bound to furnish an entire metallic currency, that opinion does not weaken the strength of my argument, the views which I am about to present being applicable to both positions.

In the first place, the power is given to Congress "to coin money." For what purpose is money to be coined? Not that it may be melted down, and manufactured into plate; not that it may be exported, and pass into foreign mints, to assume some other form, or receive some other impression; nor that it may be hoarded as a matter of curiosity or avarice; but that it may be used for the purpose for which coined money is used, namely, the currency or circulating medium of the country. I say of the country, because, as the power is a trust for the general welfare, its execution must have reference to the end of its existence. In the second place, Congress is authorized to punish the offence "of counterfeiting the current coin of the United States." In the third place, the States are prohibited from coining money. And, in the fourth place, nothing "but gold and silver coin" can be made a tender in payment of debts. As the great business of currency is to pay debts, and Congress has the exclusive power of furnishing the coin, in which alone those debts can be legally paid, it follows that it is their constitutional duty to

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furnish such currency of coin, or what is equivalent, of convertible paper; for, if they do not furnish it, no other power can; and the whole business of society must be suspended. The purpose of currency is to make the aggregate payments of the country; and its amount in value has reference to the amount of those payments; at the same time, every payment presupposes an antecedent debt, though it exists but for a moment, and it is Congress alone that can furnish the legal means of making those payments.

What, then, sir, is the consequence of the existence of this power and this constitutional duty as regards the existing condition of the currency of this country, composed, as it is assumed to be, of coin furnished by the Government, and paper furnished by the banks? What, I ask, is the consequence of the existence of that duty on the part of this Government? Why, sir, clearly, the obligation so to regulate the issues of paper by the banks as to ensure its convertibility at all times into coin, and thus to provide a sound currency of coin and convertible paper for the people. If it be the duty of Congress to furnish either a metallic currency, or a mixed currency of coin and convertible paper, which is equivalent to a metallic currency for the purpose of business, then it is bound to guard against whatever may tend to defeat the performance of its duty; and I have already shown that it is the tendency of banks to extend their issues of paper, which has the effect of banishing the coin from circulation. If Congress does not regulate the issues of bank paper, then the banks control the power of Congress over the currency, and involve it in the violation of a constitutional duty. You cannot, then, abandon the banks to themselves without being recreant to that duty. You must watch over them, and regulate their issues of paper, or else they defeat one of the great purposes for which this Government was created. As matters stand at present, you are bound to cause them to return to specie payments, and afterwards by your parental care to guard against another suspension. This duty I have expressed in the phrase "to provide a sound currency," that is, a currency free from the danger of degenerating into inconvertible paper. As to the question of the proportion of the precious metals which may be necessary to ensure that result, some difference of opinion may and does exist. I have already explained the different views entertained on that subject; but all are agreed that for that purpose there should be a larger infusion of coin into the circulation than existed at the time of the suspension of specie payments.

Then, sir, I ask if you must watch over the State banks and regulate their issues of paper, why not use them as fiscal agents? The Senator from Virginia (Mr. RIVES) proposes to do so. I shall vote, Mr. President, for his amendment, though I am free to say I do not think it the best that could be offered.

From what has been said, it is apparent that it is the constitutional duty of Congress to regulate the issues of bank notes, which can only be done in one of two ways, either by means of a bank of the United States, or by means of a stamp duty on the notes. As to a bank of the United States, it is out of the question at this time; and I am free to say, sir, that I consider it altogether inexpedient, in a political point of view. For I hold it to be extremely unwise in a Government constituted like ours to attempt to force public opinion. No system can be successfully administered which is repugnant to the public will; and it is sufficient for me, in this instance, that there is strong reason to believe that the majority of the people are opposed to a national bank. I have no constitutional scruples on the subject; on the contrary, I believe that it is necessary and proper as a fiscal agent of the Government, and the most gentle and effectual means of furnishing a sound and uniform currency to the country, composed, as I have before stated, of coin and convertible paper. But, sir, I will not consent to vote for such an institution, until I am satisfied that it is not repugnant to the wishes and feelings of the majority of the people. There is no other mode of suppressing the small notes, in the absence of a bank of the United States—I mean, of course, by the action, direct or indirect, of this Government—than a resort to the taxing power by imposing a stamp duty on them. To this there cannot, I presume, be any constitutional objection, as it is an express power, justified in its use by the great object of promoting the general welfare, but in this instance used to sustain and enforce another express power and high constitutional duty, of supplying the country with a sound currency of coin or its equivalent.

Mr. BAYARD continued his argument at much length, reviewing the plan of the Government, and condemning the sub-Treasury system of keeping the public moneys as unsafe in itself, and leading to fraud and speculation.

Mr. WRIGHT rose and said he would examine, for a moment, the measures which the committee had reported to the Senate, that, in that way, it might be seen what was their tendency and effect, and how far the committee had been derelict in their attention to the wants of the citizens generally, or in proposing such measures of relief as the Government could adopt. He certainly did not intend to discuss now measures which had passed the Senate and gone to the House many days since, but he trusted a reference to these measures, for the purpose he had avowed, would be not only pardonable, but proper.

The first was the bill to postpone the transfer of the fourth instalment of the deposit with the States. The committee found that the existing law made it the duty of the Secretary to make this transfer to the States, of about nine and one-third millions of dollars, on the first day of the present month; on yesterday.

They found that the means in the Treasury, from which alone it could be made, were in the late deposit banks, and in the deferred and unpaid merchants' bonds for duties. If the transfer must be made, the banks and the merchants must be called upon for immediate payments, to enable the Treasury to make it. Consequently, the customers of the bank, and of the merchants, must be called upon to pay them, that they might be able to pay the Government. The committee supposed it impolitic to make the call, and oppress the debtor citizens, merely that the Treasury might obtain the money to transfer for safe-keeping. They considered it wiser and better to postpone the transfer and give time to the banks and merchants to pay. Therefore, they presented the bill in question: and was it not a relief bill? Did any one look on it as a relief to the banks and merchants only? Did any one suppose that the banks actually had in their possession, locked up in their vaults, the money they owe to the Government, or that the merchants were in funds to pay their deferred bonds, without a call upon their customers? On the contrary, did not all know that the banks had loaned these moneys in the ordinary course of their banking operations, and that they could not pay without collecting these loans at this difficult period for borrowers to pay? Did not all know that the inability of the importing merchants to pay, proceeded from the inability of their customers to pay, and that, if pressed for payment by the Government, they must press those customers? And who are the customers of the banks and the merchants? Are they not the people, and the whole people? Would any one say, then, that this was not a relief bill? That this was a bill for the Government, and not for the people?

The second bill reported by the committee, was to authorize the emission of ten millions of dollars in value of Treasury notes; in this form to borrow, upon the credit of the United States, the sum of ten millions of dollars in money—and for what? To enable the Treasury to get on, and grant time to the debtor banks and merchants. The committee found the Treasury in want of means to answer the ordinary calls upon it, and that those means must be realized, either from a prompt collection of the demands due to it, or from moneys raised upon public credit. For the reasons which induced them to recommend a postponement of the further deposits with the States, they were also induced to present this bill to the Senate, and thus, so far as the current calls upon the Treasury should require it, to interpose the public credit between the wants of the Government and the rigid collection of its dues. Was this bill to be considered in the mere light of a care for the Government, without regard for the interests of the citizens? Who were to be affected by a prompt and rigid collection of the public dues? Not the Government, or the Treasury, but the public debtors. Who were

the public debtors? The banks and the merchants immediately: the borrowers from the banks and the customers of the merchants substantially. And who were the borrowers from the banks and the customers of the merchants but the people of the country.

The third bill reported by the committee was to grant time to the importing merchants upon their bonds due, and to become due, for a year from the present time. The extension, assented to by the committee, and ordered by the Senate, was nine months upon each bond. Would any one question that that was a relief measure to the merchants? Did any one suppose that the relief afforded by that bill was designed to reach no further than the merchants who owed the bonds? No, sir. It was the customers of those merchants, the persons who had purchased for consumption and use the goods upon which the duties were payable, that the bill was to relieve. Few, comparatively, of those who occupy these seats would have voted for that measure, had its influence and action been confined to the merchants only. But they could not indulge their debtors unless they could be indulged by the Government, because they must collect if they must pay. To enable them to grant the indulgence which the state of the times and the condition of the monetary affairs of the country demanded, was the design and object, and would be the effect, of the bill. Who, then, would deny to it its relief character?

The fourth bill which the committee presented for the acceptance of the Senate, was one to extend a proportionate indulgence to the late deposit banks for the payment of the balances remaining due from them to the public Treasury. It was true that these institutions stood upon a different footing from the merchants. They had merely received the public moneys for safe-keeping. The moneys were legally and technically in the Treasury, but were they there in fact? Could the Treasurer command them for the uses of the Government or the people? No. They were unavailable funds in the Treasury. And why were they unavailable funds? Because the banks had got them locked in their vaults, and were not willing to pay them upon demand? No, sir: but because the banks had them not; because they were loaned to the customers of the banks, the citizens of the country, who could not pay on demand. The relation of debtor and creditor, in its ordinary acceptance, was not intended to be created by the law establishing the late bank deposit system. It was a mere agency for the safe-keeping of the money, which the law recognized, but that agency had been turned into the relation of debtor and creditor by the failure of the banks to fulfil on their part—into the most unpleasant relation of debtor and creditor; a creditor who wants and debtors who cannot pay. Indulgence, therefore, became a matter of interest to the creditor, as adding to the chances of eventual payment; and of favor to

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the debtors, as giving them time to collect the means for payment. To whom, then, was the favor, the relief, extended? To the banks or to their customers? Most assuredly to the latter. The banks could pay if they could collect; and, if compelled to pay, they would be compelled to collect. Their power to indulge depended upon the indulgence extended to them; and could it be said that a measure giving to them four, six, and nine months, to pay their balances to the Treasury, was a measure solely confined to the protection of the Government, without regard to the relief of the people?

These were the first four bills presented by the committee to the Senate, and yet they were told that they had forgotten the suffering interests of our great community in their exclusive care for the Government and its officers. Was the charge just or merited? These bills had all received the final action of the Senate, and all, save one, had passed this body by nearly unanimous votes, while that one had passed by a large majority. It was true that the connection between them was intimate, and that, to a greater or less extent, each subsequent one was predicated upon the success of its predecessor, while all were most intimately connected with the condition and action of the public Treasury.

Indeed, it was but candid to say that the committee knew of no direct relief which Congress could properly afford to the distressed of the people of the country, but such as should grow out of the existing connection between the means of the Treasury and the banking and mercantile interests. These bills covered all that ground, and no difference of opinion could possibly exist as to them, unless it should arise upon the principle of indulgence, or the time of indulgence. No such difference had been manifested in the action of the Senate upon the respective measures, and therefore it was right to assume that none existed. Some had supposed that it was the duty of Congress to borrow the nine and one-third millions, covered by the first bill, that it might be transferred to the States for safe-keeping; and propositions having that tendency had been presented to, and acted upon by, the Senate, but they did not meet with favor. The body did not seem to suppose that such a disposition of the public credit would be a measure of relief either to the Government or the people, and it was rejected.

Take, then, the four measures referred to, sum them up in their combined action, and to what do they amount as relief to the community? The first is equal to a forbearance to collect nine and one-third millions of dollars from the customers of the banks and the merchants, to be transferred to the States for safe-keeping. The three last authorize a loan, upon the public credit, to the amount of ten millions of dollars, to pay the expenses of the Government and meet the public appropriations, and a forbearance of the collection of that sum from the

public debtors, that they too may be able to forbear collections, at this trying period, from those who are indebted to them. Here, then, is direct and positive relief to the amount of nineteen and one-third millions of dollars. Might he not, then, ask, with some force and some justice, whether the committee were obnoxious to the charge of having forgotten the interests of the people in their care for the Government? He would here dismiss this topic.

The next and only remaining charge against the committee which he proposed to notice was, that in their action they had entirely overlooked, or wholly neglected to act upon, one of the most, nay, the very most, important of the subjects presented for their action in the Message of the President referred to them; that they had reported no bill declaring the description of currency which should be receivable in payment of the public dues. He did not refer to this complaint against the action of the committee for the purpose of representing it as unjust or ungenerous; not even for the purpose of refuting it. It had come from opposite sides of the House, and it might be well founded. The fact was certainly as alleged; and his only purpose was to give the reasons which governed himself, and which, he was certain, governed the majority of the committee, in the conclusion to report no bill upon the subject of the currency to be received into the public Treasury. Those reasons had been, and still were, satisfactory to himself, as he doubted not they were to his colleagues upon the committee; but the course of action of the Senate upon this bill, seemed to indicate, and its final action would probably show, that they were not satisfactory to the majority of the body. Should this be so, the committee would be content, when their reasons had been placed fairly before the Senate and the country.

They found the Message presenting, among others, two distinct points, both, in the judgment of the committee, most deeply interesting to the public Treasury, the Government, and the country. The first was the continuance of the separation between the moneys of the people and the State banks, which the operation of the existing laws and the conduct of the banks had already produced. The other was a gradual and safe discontinuance of the reception of the bills of the State banks in payment of the public dues, and an eventual return to the collection of gold and silver and such paper as should be issued upon the faith and credit of the United States, and be, by the laws of Congress, made receivable for debts due to the United States. The laws as they are, upon the subject of the deposit and safe-keeping of the public moneys, seemed to the committee to require immediate action, if the recommendation of the President was to be carried out and made a part of our permanent policy. Hence they reported to the Senate the bill now under discussion. They were not unmindful that

some regulation as to the descriptions of currency to be received in payment of the public dues might become necessary, in case the new system of deposits should be adopted and the present condition of the banks should be changed; but in the present condition of the banks and of the law upon this point, they could see no necessity for immediate action, or for any present change of the existing laws. They felt that the two subjects were somewhat connected, but not so intimately as to require or demand that both should be embraced in the same bill. They knew that great diversity of sentiment prevailed as to both, and that different opinions were held by those who had hitherto been friends and supporters of the administration, as well as between them and their common political opponents. Under these circumstances, and with the distinct expression of a desire, on the part of a large majority of the Senate, that the present session should be terminated at the earliest possible day, the committee felt bound to present every subject from their hands in the most simple and distinct form, and in a shape which might receive the definitive action of the body with the least possible consumption of time. With this view they reported separate bills upon every subject upon which they did report, and the same consideration influenced them to omit reports upon all subjects which they supposed might be deferred to the regular annual session, without injury to any important interest, public or private. By the law, as it stands, the notes of non-specie paying banks can neither be received in payment of the public dues, nor paid to the public creditors. He was sorry to be compelled to say that, for all practical purposes either to the Government or the people, there were, at this time, no other banks in the country, and he was much more sorry to be compelled to believe that there would not, in a practical sense, be any such banks until after the time when Congress would be again in session. No one had proposed, and he was happy to know that no one would propose, to make the inconvertible notes of non-specie paying banks receivable at the public Treasury, and surely no one could have expected such a proposition from the committee. The revenues, then, to every practical extent, are now receivable in gold and silver only, unless Congress shall, at its present session, create a paper upon the faith and credit of the Government, and make it receivable for the public dues. Hence the absence of any immediate necessity for legislation upon this point. The committee further believed, what has already been proved to be true, that any bill upon this subject would lead to long and grave discussion, and tend to protract the session. For these reasons they had omitted to report upon this subject, and he had as yet seen nothing to change his opinion of the wisdom of their course. He still believed that the connection of these two subjects in the same bill was undesirable; that it would retard action, and he

greatly feared embarrass the bill which the committee had reported, and the passage of which they considered to be of high public importance. The matter, however, was now with the Senate, and he should cheerfully submit to its choice. If called upon to vote upon the proposition before it, he was ready to vote, whether they should be insisted upon as amendments to the committee's bill, or as an independent measure.

Having said thus much by way of explanation, and he hoped, to some extent, in justification, of the course and action of the committee, he would now pass to a brief discussion of the bill before the Senate.

The crisis, he said, was one of the deepest interest. Every man in these seats, every citizen of the country, felt it to be so. Still, its peculiar character could not be too often adverted to, or too firmly fixed in the memory of all. During a period of profound peace; after a series of years of unexampled abundance in every production of the earth, and every product of labor; with a currency more abundant than our young country had ever before witnessed, and standing as strong in the public confidence as our paper currency had ever stood; with ready markets, and prices higher than any former period of peace had sustained; under the influence of all these elements and evidences of prosperity and wealth, national and individual, and at the entrance upon another of those rich and fruitful seasons with which a kind Providence so frequently blesses our fertile soil—a season not surpassed by any which has preceded it in the abundance it has returned to the husbandman for his labor—at such a time, and under such circumstances, the revulsion came, and in an instant, as it were—in a single night—the whole beauty of this rich scene was changed. That currency, so abundant and creditable, became depreciated, inconvertible, and debased. Those markets, so quick and active, and profitable, became stagnant and deserted. Those prices, so alluring to enterprise and industry, were changed to a priceless mass of unsalable commodities.

That all should have inquired after the causes of this sad and sudden change, was most natural. That statesmen should have done so, was necessary to the discharge of their delicate and responsible duties. The President of the United States, to qualify himself for the performance of his constitutional duty of giving to Congress "information of the state of the Union, and recommending to their consideration such measures as he shall judge necessary and expedient," has done this. In his Message, he has given to us his opinion of the causes which have brought upon our country this sudden and sweeping revulsion. It was not his purpose to examine the correctness of these opinions of the President. No one had expressed a doubt that they were honestly entertained, and all admitted that they had been clearly, frankly, and firmly expressed. They had been the subject of able and extended criticism in the course of this

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debate, and he thought also the subject of equally able and perfectly triumphant defence. Entertaining this opinion, he had but a single remark to make in regard to them, and that was, that he had heard criticism and contradiction from some quarters of the House delivered in a manner and in language which excited his profound regret—in a manner and in language which he would not, if he could, (and he was most thankful he could not,) imitate, towards friend or opponent.

He had listened to the debate, however, with profound attention; and while all had their peculiar views of the causes of the present derangement in our monetary affairs, and while the views of the different speakers differed materially as to the immediate and most active causes, he thought there were certain general positions substantially conceded by all; which, being drawn out and placed in their proper order, would advance us very far in the wide field of discussion presented and occupied by the various members. He had endeavored, therefore, to place these positions upon paper, and to give them an order best calculated to promote this object. They were as follows:

1. That wide-spread and highly injurious derangements have been, and are experienced, in the banking concerns, and in most of the business transactions of the country.

2. That the present embarrassments in the affairs of individuals are, to a greater or less extent, caused, or greatly increased, by the existing embarrassments in the affairs of the banks.

3. That an undue multiplication of banks by many of the State Legislatures, and excessive issues of paper money by the State banks, are among the most prominent of the causes which have brought about these embarrassments of the banks, and consequently of business generally.

4. That a material enlargement of the specie basis for our paper circulation, is indispensable to the security of the banks, and the stability of the paper currency.

5. That all banks of issue and circulation are liable to excesses, and that the State banks, from their distant locations, rival interests, and the variety and diversity of their business and associations, are peculiarly so liable, which renders it desirable and important that the fiscal action of this Government should never be so directed as to promote these excesses, while, so far as that can be safely and constitutionally done, it should be so directed as to have an equal tendency, in all parts of our extended confederacy, to check them.

6. That the powers of Congress, to prevent the evil of excessive banking by the State institutions, are, in no sense, direct and positive, but are, in whatever form they may be exercised, incidental and consequential, growing out of the expressly granted powers.

So far he thought all could agree and walk together in this trying crisis. He was not aware that any one would controvert either of

these positions, while he was sure that most of those who had addressed the Senate, in the course of this debate, upon whatever side of the House, had substantially assumed them.

The difference seemed to arise as we passed the last proposition, and came to inquire how this incidental power of Congress should be exercised. The late catastrophe to the banks and business of the country, had satisfied all that something was wrong in the working of our monetary system, but the seat of the disease, and the appropriate remedy, were questions upon which opinions differed.

The President was bound, in recommending to the consideration of Congress such measures as he judged necessary and expedient, to point out his view of the evil, so far as he should consider it connected with and remediable by federal legislation, and to present his plan of remedy. He has done so frankly and fully, and as the majority of the Committee on Finance have agreed with him, and have reported the bill under consideration to carry out his recommendation upon this point, it would be his duty, Mr. W. said, to examine that bill in its favorable and unfavorable influences upon the Treasury, upon the Government, upon the banks, and upon the currency generally. The safe keeping of the public moneys became separated from the State banks, in May last, by the voluntary suspension of specie payments by the banks, and the operation of the existing laws upon that act, and the bill proposes to continue the separation.

He would now proceed to inquire what influences, favorable or unfavorable, the bill to make this separation between all banks and the public money permanent, would exert upon the public Treasury. It would give to the Treasury direct possession, and a perfect knowledge of its means at all times, and under all circumstances. They would consist not of bank credits, but of money, and would, therefore, not be subject to any of the fluctuations to which bank credits must be always liable. The means of the Treasury would be the value received, and not the mere representation of that value in account.

It would give to the Treasury the perfect command of its means. It would no longer be troubled with unavailable funds, a description of funds well known to it for the last twenty years; which have always grown exclusively out of its connection with banks; which now constitute almost its only resource for the payment of the public creditors; and the consequence of which character given to the means of the Treasury, so far as he was informed, had, more than any other single cause, compelled the convention of Congress at this inconvenient, and he thought he might safely say dangerous, season of the year. It might be well here to define this term "unavailable funds," as applied to the means in the public Treasury. He understood them to consist, now and upon all former occasions, either of bank notes, which

the banks issuing them could not redeem in specie, or any thing else which would pay the debts of the Government; or of moneys received by the banks for safe keeping, and which they could not pay, upon demand, in the legal currency of the country, or in any currency, which the creditors of the Government would consent to receive as money. An entire separation from banks would of course relieve the public Treasury from this embarrassment for the future. It would, at all times, enable the Treasury to pay the demands upon it, when the money of the people had been collected and placed in its keeping for that purpose; whereas, under the connection, these moneys were liable to become unavailable in the hands of the banks, and the people again to be called upon to raise, either from their pockets, or upon their credit, the means to pay those very debts for the payment of which they had once provided by depositing the money in bank.

A continuance of the separation would further relieve the Treasury from the necessity of using its means to sustain the credit of banks, when revulsions in trade, and general shocks to credit, should bring the banks in jeopardy. These revulsions must be always more or less frequent in every commercial country, and most frequent and most severe in those which most extensively adopt a system of paper or credit circulation and currency. If, then, the means of the National Treasury are confided to the safe keeping of the banks which furnish that paper or credit circulation and currency, they must be always subject to the fluctuations, revulsions, and incidents, to which the credit of the banks are subject. They become mere credits with the banks, and cannot be exempted from the influences which affect its other credits. Can the fiscal officers of the Government, then, neglect to put forth their exertions, and the means at their command, to sustain the credit of those banks, when occasion shall call; whose credits constitute the means of the public Treasury itself? He was not ignorant of the fact, that loud and startling complaints had been made in this hall against a late Secretary of the Treasury, upon the mere suspicion that he had used the means of the Treasury to sustain the credit of the deposit banks; but would any gentleman deny that, under this concise and practical view of the consequences of a connection between the Treasury of the people and the banks, it must frequently become the imperious duty of that officer, a duty as binding as that of keeping the Treasury in a situation to answer the calls upon it, to exert this power, and so to locate the means of the Treasury, as to render it as effective as possible? The consequence was unavoidable, and still the exercise of such a power would always be odious in a political sense, and must always be more or less invidious in a financial sense. It could never be exerted equally towards all the banks, but must be used especially in favor of those which should be, for the time being, the depos-

itories of the public funds. Its influence, then, might often be unfavorable, and even injurious towards institutions which had promoted as much as any other, the collection and prompt payment of the public revenues, but which should not, on the day of trouble, be safe keepers of any portion of those revenues. Is it not desirable, if it can be done with safety to all interests to be regarded, to relieve the Treasury, and the head of the fiscal department of this Government, from this always so delicate, and frequently so odious, an exercise of the power and influence of the public funds, upon the credit of the banks and the business of the country? He must say that a proper national pride, and a just feeling of patriotism, seemed to him to demand it, at any expense short of the positive sacrifice of some paramount public interest.

A further benefit to be derived from a system which shall make the Treasury the keeper of its own means, and especially if those means shall be collected and disbursed in the legal currency of gold and silver, or of paper issued upon the faith and credit of the Government only, will be a perfect uniformity of value in the collections and disbursements of the Treasury, wherever made. Its operations will become stable and certain in every sense, and all the contracts with the Government may be made without the customary deductions on account of the anticipated receipt of a depreciated medium of payment. Every citizen can make his proposals for the public works or public supplies, wherever may be the place of his residence, or the place of payment under the contract, based upon the par of money, and will not be driven to an uncertain calculation upon the fluctuations of exchange and the uncertainties of credit.

These are some of the benefits to be anticipated to the public Treasury from a permanent separation from the banks. What are the injuries, the unfavorable influences, if any, to stand against these benefits? He had heard but one suggested, so far as the interests and conveniences of the Treasury are concerned, and he must say but that one had occurred to his mind. The expense and trouble of remitting specie, in cases where that should become necessary, was, he believed, the only drawback upon the Treasury for all these benefits, and a short examination would show the weight of this objection.

Under the system of bank deposits, drafts from the Treasurer, upon the different depositories, and from one depository upon another, are made the medium of remittance in all ordinary cases, and, where the drafts are fully credited, supersede the necessity of an actual transportation of the money in almost all the operations of the public Treasury. Nothing in the system proposed, prevents the use of the same medium for remittance and exchange. The drafts of the Treasurer of the United States upon a receiving officer of the Government,

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will certainly have as good credit as his drafts upon a deposit bank, and when they are known to be drawn upon the specie in safe-keeping, and upon nothing else, they cannot fail to be as acceptable to the public creditor as any similar drafts have heretofore been. The trouble and expense, therefore, of transporting specie funds from one portion of the country to the other, for disbursement to the public creditors, will not probably be more extensive under this bill than under the bank system which it proposes to supersede.

He would now look at the influences of this measure upon the Government.

It would discharge its legislation from bank influences of all sorts. He spoke not of improper or corrupt influences, but of those constituent interests, which must be represented in Congress so long as the connection between the public Treasury and banks of any description was maintained. He addressed those who must understand him, and who must have seen and felt these influences in our official action here. Who, he would ask, had occupied one of these seats for the last five years, and had not seen the power of this influence upon our deliberations? Who had failed to see that it was an influence more nearly overpowering and beyond our control than any we had been called to encounter? Who did not see and feel it now as pressing upon us with a giant force? It was true, we had formerly and most usually encountered it in the consolidated form of a national bank, and that it now presented itself to us in State detachments; but it was the same influence similarly exerted. It was the effort of cupidity on our free institutions—an effort to make money out of the money and means and credit of the people.

He uttered these sentiments with extreme reluctance, and with the most extended charity towards all those who differed from him. He knew well that not only political opponents, but those who had ever been political and personal friends—those towards whom he had ever entertained, and still did entertain, the kindest feelings, did differ with him upon these points. He most cheerfully yielded to their integrity, sincerity, and patriotism, every indulgence which he asked for himself; but the crisis, the importance of the questions presented, and our imperious duty to our constituents, demanded from us frank and fearless action.

Was it not, then, in case he was right, most desirable to free the legislation of Congress from bank influence altogether? Would it not tend more than any other single act we could perform, to take from our debates and deliberations that bitterness and acrimony which had too strongly characterized them for the last few years, but which, he was proud to say, had entered, in a much less degree, into the present debate in the Senate, than into any similar debate for many years? For himself he felt that this consideration alone demanded the passage of this bill; that it was entirely paramount to

any objections he had yet heard urged against it; that it was as much superior to considerations of financial convenience and pecuniary profit, as were the purity and permanency of our political institutions to the temporary advantages of a bargain or the facilities of borrowing money.

This was not the only advantage the Government would derive from a permanent separation of its finances from the banks. It would discharge it from that eternal round of imputations to which, under the connection, its every fiscal action is subjected. If it be a time of prosperity and plenty, all are struggling for the profits arising from the safe-keeping of the Government funds; and the failure on the part of its fiscal officers to select a given bank as a public depository, is not only matter of personal offence, but is immediately converted into the active cause of all the pecuniary calamities which the friends and customers of that bank may experience through all time to come. If it be a time of scarcity and pressure, like the present, the drafts of the Treasurer upon the money of the people in safe-keeping with the banks is a ruthless attack, a war upon them, and is intended to prostrate the institutions. The former keeping of the funds becomes a merit and a virtue, and to ask for their payment to the public creditors is ingratitude and injustice.

If the Executive, in the exercise of a sound discretion, sees proper to issue an order requiring payment in money for the whole, or any portion of the public revenue, this is converted into an attack upon the banks, a distrust of their credit and solvency, and a wrong inflicted by the Government upon the whole people. Can it be desirable to preserve a connection which is the subject of incessant complaint on the part of the banks and their friends, and of constant embarrassment to the operations of the public Treasury, and of imputation upon the most faithful and worthy public officers? He thought not. He considered this connection of the fiscal affairs of the Government with the credit and business of the banks, and of business and commercial men, and the constant imputations brought upon the Government thereby, as promoting a political morality in the public mind most dangerous to our institutions; as doing more to weaken the confidence of the people in the Government of their choice, than any and all other causes of distrust combined. If we would listen to the slander and misrepresentations of the times, we must believe that all our misfortunes, public and private, are imputable to our Government—all our prosperity to a resistance to its measures and its policy. And whence do these imputations come, but from our connection with the banks? They all emanate from that source, and from no other. That connection is now dissolved, by the operation of law and the voluntary action of the banks themselves; and he would say, let it be perpetual—let it never be renewed.

The effect of this measure upon the banks should next occupy his attention.

It had been considered as a measure of open and violent hostility to those institutions; as fraught with unmixed evil to them. Was this the true view of it? Had it these exclusive tendencies? He thought not, and he would attempt to point out some positive benefits to the banks from its adoption.

It would leave the State banks to operate upon their own means—upon the capitals which the respective State Legislatures had thought proper to give to them, and upon the funds derived from their private depositors. These means would be perfectly certain and uniform, so far as they consisted of the capital of the banks, and would be subject to no dangerous fluctuations, so far as they consisted of private deposits. Hence the action of the institutions could always be regulated by a certain standard—the extent of their means for the accommodation of their customers. This would discharge them from the inducement to those dangerous expansions and contractions, which not only promote, but cause, revulsions such as that under which the country now suffers.

The Government has been charged with being the cause of the present pecuniary embarrassments of the country, and he thought not without some foundation; but he considered the connection between the Treasury and the banks the only foundation for such a charge. What had we done? We had deposited our funds in the State banks. A period of unexampled prosperity had visited our country. Importations had become excessive, and the duties thereupon had swelled the public revenue from that source beyond all reasonable anticipation. The banks received the excess of revenue which the wants of the Government and the public appropriations did not call for. The same causes promoted unusual and unexampled sales of the public lands, and thus, from both of the great sources of revenue to the United States, streams were poured into the public Treasury, widened and deepened by their own accumulation and velocity. The banks were safe-keepers of the public funds, the fiscal agents of the Treasury, and they were also the reservoirs from which the importing and other merchants drew their means, and from which the speculating purchasers of our immense domain were supplied with funds for their operations. So far as the Government was concerned, the consequences are obvious. The moment the revenue exceeded the wants of the Treasury, the excesses fed the passion they ought to have controlled. The banks were the receivers and the payers. They received, to keep for the Government, and loaned to the merchants and purchasers of our lands. The system, in fact, and in practice, was one of indefinite credit for both duties and lands. The money paid for both went into the banks for safe-keeping. The Treasury did not want it or call for it for payment of the public dues. The banks loaned it to their customers,

who were the payers for duties and lands. Under these circumstances, and this action of the system, excesses were inevitable, and they had visited their consequences sweepingly upon the country and upon the Treasury itself.

Ought not this state of things to be a lesson to the wise not to renew a connection which had been so disastrous to every interest involved? To the Government and the public Treasury, as a creditor of the banks; to the banks, as debtors to the Treasury and creditors to the citizens; and to the people at large, and especially to the commercial community, as debtors to the banks.

But it is said the withdrawal from the State banks of our confidence, countenance, and patronage, in this particular, will prostrate and destroy those institutions; that the attempt to separate the finances of this Government from them, is, in effect, a declaration of war against them, which they cannot survive. Is this, can this, be so? Will any sound and solvent State bank fail, because the United States does not entrust to it the safe-keeping of the moneys of the people? Did the State Legislatures, in chartering these banks, expect or intend that their credit or solvency should be sustained by the legislation of Congress, or the use of the funds of the Federal Government. If so, why have they limited and fixed their respective capitals, and attempted to set bounds to their operations? Why have they assigned different amounts of capital to different banks, dependent upon their location and business associations? Certainly no other answer can be given to these interrogatories, than that they intended that each bank should have a capital equal to the wants of the business community surrounding it, and that all the banks of their creation should have a credit and confidence with the people, and should transact a business proportioned to the capitals granted to them respectively, and not beyond that limit. You, then, by making your deposits with these institutions, destroy the proportions which the State Legislatures have intended to establish and preserve. Your deposits are treated as capital by the banks, and an extension of their loans, and an augmentation of their business, beyond that which their own means would allow, is the necessary consequence of your patronage. Can this disposition of your moneys fail to promote excessive banking? The members of the State Legislatures have a knowledge of the business wants of all the places at which they locate banks, and their object is to measure the banking capital at any given point by the wants of business at that point. When they have done that, you come in with your deposits, distributed, not upon the basis which governs the State Legislatures, but according to your convenience for receipt or disbursement. The consequence is, that you pour your millions into these State institutions, without reference to the legitimate business calls for banking facilities at the points where your deposits are

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made; and thus derange and destroy the proportions, as to these facilities, which the local Legislatures have determined to be safe and proper. In this way your patronage becomes an evil, and not a benefit. It stimulates the cupidity of the banks, and they, in turn, stimulate the cupidity of the business community around them, until excesses on the part of all produces revulsion, distress, and bankruptcy.

In every light, then, in which he could view this matter, it was his deliberate opinion that the banks would be benefited, and not injured, by making the existing separation between them and the public Treasury perpetual. The passage of this bill, at this time, might have some tendency to weaken the confidence of the community in the institutions; but, if such a consequence must attend this change of our policy, could there be a better time than the present to make that change? The banks are now—he would not say insolvent, for he did not believe that was the condition of any large portion of them—but unable to pay the demands upon them. That fact was avowed by themselves, and known to all the world. They were in a *quasi* insolvent state, and all the distrust which could grow out of such a condition they had brought upon themselves by their voluntary suspension of specie payments. It was in vain, then, to talk of the delicacy of their present credits. That delicacy had been destroyed by their own act, and before they could ever again restore themselves to the confidence of the community they must be sound in fact, and able to discharge, to the fullest extent, every obligation which general distrust could bring against them. It was erroneous to suppose that they could ever resume and sustain specie payments until they were thus prepared and thus armed. They must build up for themselves a new character, based upon a perfect fulfilment of all their obligations. If, then, we are to separate from them, and that separation is to have any tendency to affect their credit, this is the very period when it is most desirable to them that the declaration of a perpetual divorcement should be made. Now it can do them no harm. They are already in a condition from which main strength alone can raise them; but at a time when their credit was unsuspected, and their operations unembarrassed and unimpeded, the measure might give them an injurious shock. Let it be done now, therefore, that, when they do rise, it may be distinctly known that they rise upon their own strength, unaided by our patronage, and untrammelled by our movements.

TUESDAY, October 3.

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The Senate resumed the consideration of the bill to provide for the collection and keeping of the public money, with the amendment offered by Mr. CALHOUN.

[A further debate ensued, in which Messrs. Calhoun, Webster, and Buchanan, were the speakers, chiefly in support of previously expressed opinions, and in reply to objections.]

The question was put on Mr. CALHOUN'S amendment, which was as follows:

Add the following as a new section:

Sec. —. *And be it further enacted*, That from and after the first day of January, eighteen hundred and thirty-eight, the resolution of eighteen hundred and sixteen, authorizing the receiving of notes of specie-paying banks in dues to the Government, shall be so modified that only three-fourths of the amount due to the Government for duties, taxes, sales of public lands, or other debts, may be received in the notes of specie-paying banks; and, that from and after the first day of January, eighteen hundred and thirty-nine, one-half may be so received; and from and after the first day of January, eighteen hundred and forty, one-fourth; and from and after the first day of January, eighteen hundred and forty-one, all sums due for duties, sales of public lands, or other debts to the Government, and all payments to the General Post Office, shall be paid in gold and silver coin only, or in such notes, bills, or paper, issued under the authority of the United States, as may be directed to be received by law; and from and after the said first day of January, in the year eighteen hundred and forty-one, every officer or agent engaged in making disbursements on account of the United States, or of the General Post Office, shall make all payments in gold and silver coin only, or in such notes, bills, or paper, issued as aforesaid, when authorized by law; and any receiving or disbursing officer, or agent, who shall neglect, evade, or violate the provisions of this section, shall be dismissed the service, and shall forfeit all compensation which may then be due him.

And the amendment was adopted by the following vote:

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, Linn, Morris, Niles, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams, Wright, Young—24.

NAYS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Kent, King of Georgia, Knight, McKean, Nicholas, Prentiss, Preston, Rives, Robbins, Robinson, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—23.

The amendment offered by Mr. RIVES as a substitute for the whole bill, (authorizing the reception of the bills of all specie-paying banks not issuing notes of less than \$20,) was lost by:

YEAS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Kent, King of Georgia, Knight, McKean, Nicholas, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—22.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Morris, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams, Wright, Young—26.

Mr. PRESTON offered a substitute for the bill, making it the duty of the Secretary of the Treasury to make special deposits of the accruing revenues of the United States in banks most conveniently situated, and to make such terms with them as in his judgment would best promote the public interest.

This substitute was lost by :

YEAS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Kent, King of Georgia, Knight, McKean, Nicholas, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—22.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Morris, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams, Wright, Young—26.

Mr. BUCHANAN moved an amendment :

“That it shall be the duty of the Secretary of the Treasury to prescribe regulations to enforce the presentation of all Government drafts for payment at the place where payable ; and to prescribe the time—according to the different distances of the depositories—within which they shall be presented for payment.”

Mr. CRITTENDEN deprecated the great and arbitrary power conferred by such a clause upon the Secretary.

Mr. BUCHANAN amended his amendment by adding to it the following :

“And in default of such presentation, to prescribe any other mode and place of payment which he may deem proper.”

The amendment, so modified, was agreed to.

A long discussion took place on an amendment offered by Mr. MORRIS, proposing that no notes should be received from any bank which were not payable at the place of issue.

Mr. STRANGE offered, as an amendment to Mr. MORRIS's amendment, to strike out the restriction as to notes under \$5 ; which amendment prevailed as follows :

YEAS.—Messrs. Bayard, Brown, Calhoun, Clay of Ala., Clayton, Fulton, Grundy, Hubbard, Kent, King of Ala., Knight, Linn, Lyon, Nicholas, Prentiss, Roane, Robbins, Sevier, Spence, Strange, Swift, Wall, Wright, Young—24.

NAYS.—Messrs. Allen, Benton, Black, Buchanan, Clay of Kentucky, Davis, King of Georgia, McKean, Morris, Niles, Norvell, Pierce, Rives, Robinson, Smith of Conn., Smith of Ind., Tipton, Walker, White, Williams—20.

Mr. MORRIS's amendment, as amended, was adopted—ayes 26, noes not counted.

Mr. BENTON offered an amendment authorizing a premium of one per cent. on gold coin paid into the Treasury ; which being objected to, he laid it on the table, with a view to attach it to some other bill.

The bill as amended was ordered to a third reading by the following vote :

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams, Wright, Young—25.

NAYS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Davis, Kent, King of Geo., Knight, McKean, Nicholas, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—23.

WEDNESDAY, October 4.

The Sub-Treasury Bill.

The engrossed bill was read the third time.

The CHAIR stated the question to be, “Shall the bill pass?”

Mr. CLAY, of Alabama, addressed the Senate : Mr. President, I confess, sir, when this delicate and important subject was first brought forward, I had some hesitation, some doubt, as to its probable tendency ; but the more I have reflected, deliberated, investigated the subject, the better I have become satisfied that its effects will be salutary, in regard to the immediate interests of the Government itself, and that they will not be pernicious ; but, on the contrary, beneficial to the interests of the people—our constituents.

As the measure was at first proposed by the Committee on Finance, I apprehended the disconnection—divorce, if you choose—of the Government from the banks would be too sudden, and would consequently cripple the banks, and occasion a shock in the monetary affairs of the country generally. But, sir, these apprehensions have been obviated and removed by the amendment offered by the Senator from South Carolina, (Mr. CALHOUN), as it is now modified. Under that amendment, the bills of such banks as now pay specie, or as may think proper to resume specie payments, will be receivable in payment, and to the full amount, of all public dues, for customs, lands, &c., till the 1st of January, 1839 ; thereafter, three-fourths of such public dues, till the 1st of January, 1840 ; thereafter one-half till the 1st of January, 1841 ; and, thereafter, one-fourth till the 1st of January, 1842.

Here, then, is inducement, held out to the banks now paying, to continue, and to such as have stopped, to resume, specie payments. We say to them, in effect—“We invite you to resume specie payments ; show that you are solvent, that your notes are convertible into specie when desirable, and we will receive them in payment for public lands, and for all other revenue ;” in the strong language of some of the gentlemen who have addressed us—“do this, and we will endorse your notes.” What stronger motive could be held out to such banking institutions as are solvent, honest, and desirous to effectuate the purposes of their creation ? If the public interest and convenience be the object of bank directors, as legit-

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imately they ought, would they not, by responding to this invitation and offer on our part, give greater value to their paper—give it a wider circulation—and adapt it to the use and interest of the community? And would not such banks as resumed, at once derive all the advantages of superior credit, furnish the circulating medium, and do the business of the country, to the exclusion of such as failed, or refused to comply? The answer is palpable—no man can doubt on these questions.

Again, sir: The change in the mode of collecting the public revenue, in the kind of money receivable for it, will be so gradual as to occasion no shock whatever to the credit of the banks, or to the commercial community. Before we entirely discontinue receiving bank paper, more than four years will have elapsed. All this time will be allowed for the banks and merchants to adapt their business to the new system contemplated, and conform their business to the new state of things. It will give time for the State Legislatures to regulate their banking institutions, so as, in future, to prevent over-issues of paper; to restrain them from generating, or encouraging, a spirit of over-trading and inordinate speculation; to restrain them from making promises they cannot redeem, and thus restore to the country a sound circulating medium, and the just equilibrium of trade, and business of every description.

Moreover, we ourselves shall have time to see how the new system works—to check its velocity, if it be too great—or accelerate it, if it be too slow; and modify it, in all respects, as its results may indicate to be safe and expedient. As already shown, no change in the description of funds, receivable for public dues, will take place for the next fifteen months; for the year 1839, a reduction of one-fourth; for 1840, one-half may be paid in specie-paying bank paper; and so on to the consummation of the plan. If it be discovered that the policy operates injuriously, there will be ample time to amend or modify it.

But, sir, I have no apprehension that any injurious result will follow the adoption of this measure. The chief embarrassments of the community have arisen out of inordinate expansions of the circulating medium, excessive accommodations, begetting extravagance, and reckless speculations; and then sudden contractions, withdrawals of those enormous loans, reductions of the amount of circulation, and thus, almost in a moment, reducing the value of property one-third, sometimes one-half. The Government deposits have, doubtless, heretofore, nurtured and increased this propensity of all banks to excessive issues and accommodations. They have loaned out the public money as if their own, and when called upon to pay it over, they have been necessarily compelled to press and coerce payments from their borrowers, who had, in their turn, treated this borrowed money as their own; and have thus occasioned embarrassment, the sacrifice of

property, and in too many instances, the impoverishment and ruin of their customers. To illustrate the correctness of these remarks, I need only refer you to the greater pecuniary distress and embarrassment of communities around any of the banks, which have been large depositories of the public money, compared with those remote from such institutions. If they have no large sums of public money on general deposit, on which to grant accommodations, they will know and understand better the proper limits to prescribe to their liberality; they will have no fluctuations, no augmentations, no diminutions of capital to mislead them; their accommodations will be more uniform, and the amount of their circulation bear some relation to the amount of specie in their vaults. This being brought about, the value of produce, and property of all descriptions, will be more steady and uniform; we shall not have a negro, costing a thousand or fifteen hundred dollars to-day, sold twelve months hence to pay half the amount of consideration—land at one time worth fifty dollars per acre, at another not more than twenty—and our great staple, one while commanding twenty-five dollars, and then not worth eight.

Sir, the Government ought, always, to be able to command its funds, and have them ever ready to meet any exigency. Experience has taught us, that this cannot be expected while we rely on banks. Gentlemen tell us that, although the State banks have failed to meet our expectations, we ought to continue their agency. They ask us, would we discontinue the use of steamboats, because a boiler may sometimes explode, and produce fatal results? By no means, sir, while care and skill may reasonably be expected to ensure safety, and prevent such calamities. But, were we to discover that the machinery is entirely uncontrollable, and the boiler liable to spontaneous combustion—carrying universal misery and death among the passengers and crew, in despite of all the science, vigilance, and fidelity of the engineer—would it be wise or prudent to trust ourselves on board? What would have been the situation of the country in May last, when the banks suspended specie payments, had we been involved in war with some powerful foreign enemy? Whatever might have been the emergency, we should not have been able to have commanded the resources of the nation. We might have been without a dollar for the pay or subsistence of an army to resist the invaders; our energies would have been crippled; and the most disastrous consequences might have followed. When we find that such is the unfortunate tendency of "the experiment," as gentlemen choose to call it, is it time we should abandon it, by whomsoever instituted or approved, heretofore.

But, sir, was not the Bank of the United States an "experiment," and has not that also failed to answer just expectation? No other Government but our own, ever did employ

such a fiscal agent, with powers of the same magnitude. It was, indeed, a fearful experiment, and well nigh fatal in its results. Yet, the recharter of the late United States Bank, or the establishment of a new one, is now announced as the only efficient remedy—the sovereign panacea—for existing evils. The Senator from Kentucky (Mr. CLAY) has, to my astonishment, gone so far as to identify the establishment of such an institution with the permanency of the Union! It would seem, the question of a national bank is always portentous—involving consequences of a most alarming character. Shortly after the removal of the deposits from the late Bank of the United States, we were told, by the same distinguished gentleman, that we were then “in the midst of a revolution!” and the sentiment was responded to, by the presses and politicians of the opposition, from one end of the Union to the other. We were told, on the very floors of Congress, that the deposits must be restored, or a revolution was at hand. The same sentiment was announced, when two members of Congress, during the same panic session, addressed an assembled multitude in Baltimore on Sunday. According to the newspapers of the day, it was said, by way of justification, “there were no Sabbaths in revolutionary times!” Sir, the subject of a national or United States bank cannot be touched without an attempt to produce excitement and agitation. It affords one of the most conclusive reasons against the establishment of such an institution, that it has the ability to produce such tremendous effects. The concentration of such an immense moneyed power in the hands of a few individuals, is at war with our peace and quiet; too dangerous to our liberties. It would soon control all our elections, from the highest to the lowest, and direct the operations, nay, usurp the powers, of the Government itself.

When Mr. CLAY, of Alabama, concluded his speech—

Mr. WEBSTER rose, and said that perhaps he ought to feel obliged to the member from Alabama for his quotation and adoption of a report, wholly without foundation, which had been circulated in the newspapers several years ago. That report was, that at a meeting of many citizens on a Sunday in Baltimore, at the time of the excitement in the country, created by the withdrawing of the deposits, he had said that there were no Sabbaths in revolutionary times. That, sir, (said Mr. W.,) was a vile falsehood and slander. I never said any such thing either then or at any other time. Having been home, on indispensable business, I was hastening back to my seat here to vote on very important measures then pending, and in regard to which friends had written to me to lose no time. When I arrived in Baltimore, on a Sunday evening, being in company with the distinguished and honorable gentleman who represented, at that time, the city of Philadelphia in the other House of Congress, we found,

on landing from the boat, and repairing to the hotel, a collection of people, assembled without our procurement or knowledge. We each addressed a few observations to them on the absorbing public topics which had drawn them together; and this we felt bound to do out of respect to them, and as the readiest mode of restoring to the day the quiet and repose which are so important to its proper observance. But no such language and no such sentiment as the member has quoted or alluded to to-day escaped from either of us. I should not, of course, have noticed in my place here the original slander if it had not been alluded to by others.

Mr. CLAY rejoined that he believed, whatever might be the character of the report, it had emanated from newspapers which supported the correctness of the gentleman's position; that he spoke from the newspaper account, which he had never before heard controverted.

Mr. WEBSTER said he pronounced the whole story a vile slander, whether reported of himself or his friend. Neither of us, sir, (said Mr. W.,) expressed any such sentiment, nor any thing like it. The whole matter was original and unmixed calumny.

Mr. CLAY, of Alabama, in reply, stated that, if it was a mistake or a calumny, it proceeded entirely from the papers in favor of the political principles advocated by Mr. W., and it had not proceeded from, or been circulated in, papers of the other side. This was the first time he had heard it contradicted; and, hearing it from such a source, he was satisfied he must have been misinformed.

The question was put on the passage of the bill, and decided in the affirmative by the following vote:

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King of Alabama, Linn, Lyon, Morris, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, Wall, Williams, Wright, Young—26.

NAYS.—Messrs. Bayard, Black, Clay of Kentucky, Clayton, Crittenden, Davis, Kent, King of Georgia, Knight, McKean, Nicholas, Prentiss, Robbins, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, Webster, White—20.

So the bill was passed, and sent to the House of Representatives for concurrence.

WEDNESDAY, October 11.

Mr. Madison's Papers.

Mr. WALL, from the Joint Committee on the Library, reported a bill relinquishing to Mrs. Madison the copyright in foreign countries to the late President Madison's Journal of the Debates of the Convention which formed the Constitution; and also the avails of such contracts as had been made by her relative to its publication, prior to the law of the last session, which authorized the purchase of those papers by Government.

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Law of Bankruptcy against Bankrupt Banks.

[SENATE.]

This bill was, by unanimous consent, read twice, and ordered to be engrossed for a third reading.

THURSDAY, October 12.

Annexation of Texas.

Mr. WEBSTER said he rose to present a great number of memorials and petitions against the annexation of Texas to the United States. These papers, he said, were sent to him, some of them from most of the Northern and Eastern States. They were numerous, and some of them contained several thousand signatures. In some instances he knew the signers, and knew them to be highly respectable persons, and he found among the names persons of all parties in politics, and all sects in religion.

At one time, Mr. W. said, he had thought it might be as well not to present these petitions till the next session. But it being now officially known that the annexation of Texas to the United States had become the subject of communication between the two Governments, the time had come when it was proper that those citizens who wished to protest against any such annexation should make their sentiments known to their own Government.

Mr. SWIFT, Mr. McKEAN, and Mr. WILLIAMS, also presented remonstrances on the same subject, from citizens of their respective States, which were severally laid on the table.

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Mr. GRUNDY, from the Committee on the Judiciary, to whom was referred so much of the President's Message as related to bankruptcy, moved that the committee be discharged from the further consideration of that subject.

Mr. BENSON said: The recommendation of the President for a bankrupt law, applicable to banks and bankers, has been made the subject of repeated animadversion on this floor, and that while the subject was not before the Senate, but in the hands of a committee. I noticed these animadversions on a former occasion, not for argument, but for the purpose of exhibiting their unparliamentary character; to dissent from their justness; to express my own approbation of the recommendation; and to declare myself ready to support it, whenever it could be done in a parliamentary manner, and without obliquing into a discussion foreign to the subject in hand. The suitable occasion now presents itself; and I embrace it with pleasure, that the great remedial measure proposed by the President, and called for by the rights and interests of the people, and by the character of the country, may not be prejudiced by the unparliamentary and precocious assaults which have been made upon it.

At the head of those who have made the attack on this part of the Message, and whose objections cover all the ground which has since been occupied by others, is the Senator from

Massachusetts, who delivered his sentiments on the Treasury note bill, (Mr. WEBSTER.) That Senator spoke briefly, but comprehensively, against this Executive recommendation. He presented all the points which others have since elaborated. In answering him, I answer all.

The objections which the Senator from Massachusetts takes to the Executive recommendation are of a two-fold character: first, to the constitutional power of Congress to pass a bankrupt law, confined to moneyed corporations and to bankers, and with a view to operate upon the paper currency; secondly, to the consistency of the President in having made such a recommendation.

I take up the second of these objections first, because it creates a prejudice against the whole recommendation of the President. The imputation of inconsistency creates a prejudice; and it is necessary to remove that prejudice before the recommendation can be fairly considered. The inconsistency imputed, lies in the supposed disclaimer of the President of all federal authority over the currency, and then, an assumption of power to regulate that currency, and to regulate it by an unauthorized exercise of the power to pass bankrupt laws. This is the point of the imputed inconsistency. It all turns upon this word currency; and now, what currency does the Senator from Massachusetts mean? Certainly not the currency of the constitution; for the President recites the power to coin that currency, and to regulate its value. It must be the paper currency—the local bank notes and the shin-plasters—which are intended; and, if so, I have to remark that the President very explicitly disclaims both the authority, and the expediency, of having recourse to a national bank to regulate that species of currency. He disclaims that instrument of regulation; and in doing so, he stands upon the constitution, which disowns its existence; upon the fact, which shows its impotency; and upon the ground which the authors of the first national bank occupied, and to whom the regulation of currency and of exchanges was wholly unknown as among the reasons for its creation. These reasons are of modern conception and recent date. They are an after-thought of the subsequent supporters of the second national bank. The President disclaims also a power to suppress the local banking institutions by federal legislation; but he nowhere disclaims the authority to prevent their paper issues from superseding and expelling the hard money currency of the constitution. On the contrary, he claims that power, and points to the sources of its rightful exercise in the incidental effects of federal legislation in favor of hard money as necessarily improving the condition of paper currency; and then he points to the bankrupt power as furnishing the direct means of checking the issues of non-specie paying banks, and giving a remedy to the holders of their unpaid notes. This is what the President does; and

nothing can be further from his words than a disclaimer of all authority over the regulation of currency. And here let me remark upon a systematic error into which some Senators incessantly fall: they always speak of the federal authority, and the federal duties over "the currency," meaning all the while, not gold and silver, but bank notes and shin-plasters. Now, sir, I repeat, for about the thousandth time, that the word currency is not in the constitution, nor any word whatsoever which can mean what these speakers intend by it. The nearest approach to the term which the constitution contains, is the word current, and that is coupled with the word coin; so that the thing which gentlemen have constantly in their minds, and which they use an equivocal term to express, exists nowhere in the constitution, and is not in any way known to that instrument, either by expression or intendment. I think it right, on this occasion, thus to allude to the equivocal use of this phrase; for upon this equivocation there is built up, in these United States, an immensity of erroneous speaking, erroneous writing, and erroneous legislation. Vast is the number of persons who are mystified by the use of an equivocal term; and in nothing does the rhetorician show the perfection of his art in a higher degree, than in making a debate turn upon one of them.

The Senator from Massachusetts, in taking his objections, declared that he would not do intentional injustice to the Message or to its author; but it is the same thing to the Message, and to the author, if injustice had been done without intention: and this I apprehend to have been the case. The Message says nothing about confining the bankrupt law to corporations and bankers alone; it says nothing about excluding merchants and traders from the operation of the law; and it proposes something else to result from the law, besides an operation upon currency; and that something else is a remedy to the disappointed creditors of the delinquent banks. This is his recommendation:

"In the mean time, it is our duty to provide all the remedies against a depreciated paper currency which the constitution enables us to afford. The Treasury Department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations and other bankers. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, and an effectual remedy given to the citizens, in a way at once equal in all parts of the Union, and fully authorized by the constitution."

This is the recommendation—the whole of it; and here is no proposition to exclude merchants and traders; and here is an actual proposition to give a remedy to the injured citizens against the delinquent banks; which remedy would naturally be a *pro rata* distribution of the effects of the bankrupt institutions. Here, then, is injustice to the Message in not

stating it as it is, but as it is not; and here, also, is injustice to the author, in representing him as opposed to the extension of the bankrupt law to merchants and traders, when the records of this Senate bear the evidence of the fact that he has been one of the most able and zealous supporters of such a law applicable to the trading part of the community. I speak of the bill of 1827, brought in by General Hayne, of South Carolina, and earnestly supported by the present Chief Magistrate, then a member of this body. It is unjust to suppose that the present Chief Magistrate would object to a bill which should include now those for whom he so strenuously contended when a member of this body. There is nothing in the recommendation to deter the friends of a general bankrupt law from coming forward to include the trading class with the banking class; on the contrary, there may be something to encourage them. A general bill, to include banks as well as traders, might combine more support than the bills for the latter class alone have heretofore received. Besides, if the President had expressly recommended the exclusion of other classes from the bill, it would have been no impediment to the action of Congress. His recommendation would have been no prohibition upon their powers. They might have included what classes they pleased; and if they included those for which he contended in 1827, the bill might have become the more acceptable to him on that account.

The Senator from Massachusetts objects to our constitutional power to pass such a bankrupt law as the President recommends, qualifying that recommendation, as he does, with a limitation of the law to bankers and banking corporations, and with a primary view to the regulation of a paper money currency. I have shown that this qualification is an error and a mistake; and in doing that, I have sufficiently answered the Senator's objection: but I choose to go further, and to show not only the constitutional right, but the clear expediency of passing such an act as the President recommends, whether merchants and traders shall be included in it or not.

The power of Congress to pass bankrupt laws is expressly given in our constitution, and given without limitation or qualification. It is the fourth in the number of the enumerated powers, and runs thus: "Congress shall have power to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States." This is a full and clear grant of power. Upon its face it admits of no question, and leaves Congress at full liberty to pass any kind of bankrupt laws they please, limited only by the condition, that whatever laws are passed, they are to be uniform in their operation throughout the United States. Upon the face of our own constitution there is no question of our right to pass a bankrupt law, limited to banks and bankers; but the Senator from Massachusetts,

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(Mr. WEBSTER,) and others who have spoken on the same side with him, must carry us to England, and conduct us through the labyrinth of English statute law, and through the chaos of English judicial decisions, to learn what this word bankruptcies, in our constitution, is intended to signify. In this he and they are true to the habits of the legal profession—those habits which, both in Great Britain and our America, have become a proverbial disqualification for the proper exercise of legislative duties. I know, Mr. President, that it is the fate of our lawyers and judges to have to run to British law books to find out the meaning of the phrases contained in our constitution; but it is the business of the legislator, and of the statesman, to take a larger view—to consider the difference between the political institutions of the two countries—to ascend to first principles—to know the causes of events—and to judge how far what was suitable and beneficial to one might be prejudicial and inapplicable to the other. We stand here as legislators and statesmen, not as lawyers and judges; we have a grant of power to execute, not a statute to interpret; and our first duty is to look to that grant, and see what it is; and our next duty is to look over our country, and see whether there is any thing in it which requires the exercise of that grant of power. This is what our President has done, and what we ought to do. He has looked into the constitution, and seen there an unlimited grant of power to pass uniform laws on the subject of bankruptcies; and he has looked over the United States, and seen what he believes to be fit subjects for the exercise of that power, namely, about a thousand banks in a state of bankruptcy, and no State possessed of authority to act beyond its own limits in remedying the evils of a mischief so vast and so frightful. Seeing these two things—a power to act, and a subject matter requiring action—the President has recommended the action which the constitution permits, and which the subject requires; but the Senator from Massachusetts has risen in his place, and called upon us to shift our view; transfer our contemplation from the Constitution of the United States to the British statute book—from actual bankruptcy among ourselves to historical bankruptcy in England; and to confine our legislation to the characteristics of the English model.

As a general proposition, I lay it down that Congress is not confined, like jurists and judges, to the English statutory definitions, or the Nisi Prius or King's Bench construction of the phrases known to English legislation, and used in our constitution. Such a limitation would not only narrow us down to a mere lawyer's view of a subject, but would limit us, in point of time, to English precedents, as they stood at the adoption of our constitution, in the year 1789. I protest against this absurdity, and contend that we are to use our granted powers according to the circumstances of our own

country, and according to the genius of our republican institutions, and according to the progress of events and the expansion of light and knowledge among ourselves. If not, and if we are to be confined to the "usual objects," and the "usual subjects," and the "usual purposes," of British legislation at the time of the adoption of our constitution, how could Congress ever make a law in relation to steamboats, or to railroad cars, both of which were unknown to British legislation in 1789; and therefore, according to the idea that would send us to England to find out the meaning of our constitution, would not fall within the limits of our legislative authority. Upon their face, the words of the constitution are sufficient to justify the President's recommendation, even as understood by those who impugn that recommendation. The bankrupt clause is very peculiar in its phraseology, and the more strikingly so from its contrast with the phraseology of the naturalization clause, which is coupled with it. Mark this difference: there is to be a uniform rule of naturalization; there are to be uniform laws on the subject of bankruptcies. One is in the singular, the other in the plural; one is to be a rule, the other are to be laws; one acts on individuals, the other on the subject; and it is bankruptcies that are, and not bankruptcy that is, to be the objects of these uniform laws.

As a proposition, now limited to this particular case, I lay it down that we are not confined to the modern English acceptance of this term *bankrupt*, for it is a term, not of English, but of Roman origin. It is a term of the civil law, and borrowed by the English from that code. They borrowed from Italy both the name and the purpose of the law; and also the first objects to which the law was applicable. The English were borrowers of every thing connected with this code; and it is absurd in us to borrow from a borrower—to copy from a copyist—when we have the original lender and the original text before us. *Bancus* and *ruptus* signifies a broken bank; and the word *broken* is not metaphorical but literal, and is descriptive of the ancient method of cashiering an insolvent or fraudulent banker, by turning him out of the exchange or market place, and breaking the table to pieces on which he kept his money and transacted his business. The term *bankrupt*, then, is the civil law from which the English borrowed it, not only applied to bankers, but was confined to them; and it is preposterous in us to limit ourselves to an English definition of a civil law term.

Upon this exposition of our own constitution, and of the civil law derivation of this term *bankrupt*, I submit that the Congress of the United States is not limited to the English judicial or statutory acceptance of the term; and so I finish the first point which I took in the argument. The next point is more comprehensive, and makes a direct issue with the proposition of the Senator from Massachusetts, (Mr. WEBSTER.) His proposition is, that we must confine

our bankrupt legislation to the usual objects, the usual subjects, and the usual purposes of bankrupt laws in England; and that currency (meaning paper money and shin-plasters of course) and banks and banking, are not within the scope of that legislation. I take issue, sir, upon all these points, and am ready to go with the Senator to England, and to contest them, one by one, on the evidences of English history, of English statute law, and of English judicial decision. I say English; for although the Senator did not mention England, yet he could mean nothing else, in his reference to the usual objects, usual subjects, and usual purposes of bankrupt laws. He could mean nothing else. He must mean the English examples and the English practice, or nothing; and he is not a person to speak, and mean nothing.

Protesting against this voyage across the high seas, I nevertheless will make it, and will ask the Senator on what act out of the scores which Parliament has passed upon this subject, or on what period, out of the five hundred years that she has been legislating upon it, will he fix for his example? Or, whether he will choose to view the whole together; and out of the vast chaotic and heterogeneous mass, extract a general power which Parliament possesses, and which he proposes for our exemplar? For myself, I am agreed to consider the question under the whole or under either of these aspects, and, relying on the goodness of the cause, expect a safe deliverance from the contest, take it in any way.

And first, as to the acts passed upon this subject: great is their number, and most dissimilar their provisions. For the first two hundred years, these acts applied to none but aliens, and a single class of aliens, and only for a single act, that of flying the realm to avoid their creditors. Then they were made to apply to all debtors, whether natives or foreigners, engaged in trade or not, and took effect for three acts: 1st. Flying the realm; 2d. Keeping the house to avoid creditors; 3d. Taking sanctuary in a church to avoid arrest. For upwards of two hundred years—to be precise, for two hundred and twenty years—bankruptcy was only treated criminally, and directed against those who would not face their creditors, or abide the laws of the land; and the remedies against them were not civil, but criminal; it was not a distribution of the effects, but corporal punishment, to wit: imprisonment and out-lawry.* The statute of Elizabeth was the first that confined the law to merchants and traders, took in the unfortunate as well as the criminal, extended the acts of bankruptcy to inability as

well as to disinclination to pay, discriminated between innocent and fraudulent bankruptcy, and gave to creditors the remedial right to a distribution of effects. This statute opened the door to judicial construction, and the judges went to work to define by decisions, who were traders, and what acts constituted the fact, or showed an intent to delay or to defraud creditors. In making these decisions, the judges reached high enough to get hold of royal companies, and low enough to get hold of shoemakers; the latter upon the ground that they bought the leather out of which they made the shoes; and they even had a most learned consultation to decide whether a man who was a landlord for dogs, and bought dead horses for his four-legged boarders, and then sold the skins and bones of the horse carcasses he had bought, was not a trader within the meaning of the act, and so subject to the statute of bankrupts. These decisions of the judges set the Parliament to work again to preclude judicial constructions by the precision, negatively and affirmatively, of legislative enactment. But, worse and worse! Out of the frying-pan into the fire. The more legislation the more construction; the more statutes Parliament made, the more numerous and more various the judicial decisions; until, besides merchants and traders, near forty other descriptions of persons were included, and the catalogue of bankruptcy acts, innocent or fraudulent, is swelled to a length which requires whole pages to contain it. Among those who are now included by statutory enactment in England, leaving out the great classes comprehended under the names of merchants and traders, are bankers, brokers, factors, and scriveners; insurers against perils by sea and land; warehousemen, wharfingers, packers, builders, carpenters, shipwrights, and victuallers; keepers of inns, hotels, taverns, and coffee-houses; dyers, printers, bleachers, fullers, calendarers, sellers of cattle or sheep; commission merchants and consignees; and the agents of all these classes. These are the affirmative definitions of the classes liable to bankruptcy in England; then come the negative; and among these are farmers, graziers, and common laborers for hire; the receivers general of the king's taxes, and members or subscribers to any incorporated companies established by charter of act of Parliament. And among these negative and affirmative exclusions and inclusions, there are many classes which have repeatedly changed position, and found themselves successively in and out of the bankrupt code. Now, in all this mass of variant and contradictory legislation, what part of it will the Senator from Massachusetts select for his model? The improved, and approved parts, to be sure! But here a barrier presents itself—an impassable wall interposes—a veto power intervenes. For it so happens that the improvements in the British bankrupt code, those parts of it which are considered best, and most worthy of our imitation, are of modern origin—the creations

* *Preamble to the act of 34th of HENRY VIII.*

"Whereas divers and sundry persons craftily obtained into their hands great substance of other men's goods, do suddenly flee to parts unknown, or keep their houses, not minding to pay or restore to any of their creditors, their debts and duties, but at their own wills and own pleasures consume the substance obtained by credit of other men, for their own pleasures and delicate living, against all reason, equity, and good conscience."

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of the last fifty years—actually made since the date of our constitution; and, therefore, not within the pale of its purview and meaning. Yes, sir, made since the establishment of our constitution, and, therefore, not to be included within its contemplation, unless this doctrine of searching into British statutes for the meaning of our constitution, is to make us search forwards to the end of the British empire, as well as search backwards to its beginning. Fact is, that the actual bankrupt code of Great Britain—the one that preserves all that is valuable, that consolidates all that is preserved, and improves all that is improvable, is an act of most recent date—of the reign of George the Fourth, and not yet a dozen years old. Here, then, in going back to England for a model, we are cut off from her improvements in the bankrupt code, and confined to take it as it stood under the reign of the Plantagenets, the Sturarts, and the earlier reigns of the Brunswick sovereigns. This should be a consideration, and sufficiently weighty to turn the scale in favor of looking to our own constitution alone for the extent and circumscription of our powers.

But let us continue this discussion upon principles of British example and British legislation. We must go to England for one or two things; either for a case in point, to be found in some statute, or a general authority, to be extracted from a general practice. Take it either way, or both ways, and I am ready and able to vindicate, upon British precedents, our perfect right to enact a bankrupt law, limited in its application to banks and bankers. And first, for a case in point, that is to say, an English statute of bankruptcy, limited to these lords of the purse-strings: we have it at once, in the first act ever passed on the subject—the act of the 30th year of the reign of Edward the Third, against the Lombard Jews. Everybody knows that these Jews were bankers, usually formed into companies, who, issuing from Venice, Milan, and other parts of Italy, spread over the south and west of Europe, during the middle ages, and established themselves in every country and city in which the dawn of reviving civilization, and the germ of returning industry, gave employment to money, and laid the foundation of credit. They came to London as early as the thirteenth century, and gave their name to a street which still retains it, as well as it still retains the particular occupation, and the peculiar reputation, which the Lombard Jews established for it. The first law against bankrupts ever passed in England, was against the banking company composed of these Jews, and confined exclusively to them. It remained in force two hundred years, without any alteration whatever, and was nothing but the application of the law of their own country to these bankers in the country of their sojournment—the Italian law, founded upon the civil law, and called in Italy *banco rotto*, broken bank. It is in direct reference to these Jews,

and this application of the exotic bankrupt law to them, that Sir Edward Coke, in his institutes, takes occasion to say that both the name and the wickedness of bankruptcy were of foreign origin, and had been brought into England from foreign parts. It was enacted under the reign of one of the most glorious of the English princes—a reign as much distinguished for the beneficence of its civil administration as for the splendor of its military achievements. This act of itself is a full answer to the whole objection taken by the Senator from Massachusetts. It shows that, even in England, a bankrupt law has been confined to a single class of persons, and that class a banking company. And here I would be willing to close my speech upon a compromise—a compromise founded in reason and reciprocity, and invested with the equitable mantle of a mutual concession. It is this: if we must follow English precedents, let us follow them chronologically and orderly. Let us begin at the beginning, and take them as they rise. Give me a bankrupt law for two hundred years against banks and bankers; and, after that, make another for merchants and traders.

The Senator from Massachusetts (Mr. WEBSTER) has emphatically demanded, how the bankrupt power could be fairly exercised by seizing on corporations and bankers, and excluding all the other usual subjects of bankrupt laws? I answer, by following the example of that England to which he has conducted us; by copying the act of the 30th of Edward the Third; by going back to that reign of heroism, patriotism, and wisdom; that reign in which the monarch acquired as much glory from his domestic policy as from his foreign conquests; that reign in which the acquisition of dyers and weavers from Flanders, the observance of law and justice and the encouragement given to agriculture and manufactures, conferred more benefit upon the kingdom, and more glory upon the king, than the splendid victories of Poitiers, Agincourt, and Cressy.

But the Senator may not be willing to yield to this example, this case in point, drawn from his own fountain, and precisely up to the exigency of the occasion. He may want something more, and he shall have it. I will now take the question upon its broadest bottom and fullest merits. I will go to the question of general power—the point of general authority—exemplified by the general practice of the British Parliament, for five hundred years, over the whole subject of bankruptcy. I will try the question upon this basis; and here I lay down the proposition, that this five hundred years of parliamentary legislation on bankruptcy establishes the point of full authority in the British Parliament to act as it pleased on the entire subject of bankruptcies. This is my proposition; and, when it is proved, I shall claim from those who carry me to England for authority, the same amount of power over the subject which the British Parliament has been

in the habit of exercising. Now, what is the extent of that power? Happily for me, I, who have to speak, without any inclination for the task; still more happily for those who have to hear me, peradventure without profit or pleasure; happily for both parties, my proposition is already proved, partly by what I have previously advanced, and fully by what every Senator knows. I have already shown the practice of Parliament upon this subject, that it has altered and changed, contracted and enlarged, put in and left out, abolished and created, precisely as it pleased. I have already shown, in my rapid view of English legislation on this subject, that the Parliament exercised plenary power and unlimited authority over every branch of the bankrupt question; that it confined the action of the bankrupt laws to a single class of persons, or extended it to many classes; that it was sometimes confined to foreigners, then applied to natives, and that now it comprehends natives, aliens, denizens, and women; that at one time all debtors were subject to it; then none but merchants and traders; and now, besides merchants and traders, a long list of persons who have nothing to do with trade; that at one time bankruptcy was treated criminally, and its object punished corporeally, while now it is a remedial measure for the benefit of the creditors, and the relief of unfortunate debtors; and that the acts of the debtor which may constitute him a bankrupt, have been enlarged from three or four glaring misdeeds, to so long a catalogue of actions, divided into the heads of innocent and fraudulent; constructive and positive; intentional and unintentional; voluntary and forced; that none but an attorney, with book in hand, can pretend to enumerate them. All this has been shown; and, from all this, it is incontestable that Parliament can do just what it pleases on the subject; and, therefore, our Congress, if referred to England for its powers, can do just what it pleases also. And thus, whether we go by the words of our own constitution, or by a particular example in England, or deduce a general authority from the general practice of that country, the result is still the same: we have authority to limit, if we please, our bankrupt law to the single class of banks and bankers.

The Senator from Massachusetts (Mr. WEBSTER) demands whether bankrupt laws ordinarily extend to corporations, meaning moneyed corporations. I am free to answer that, in point of fact, they do not. But why? because they ought not? or because these corporations have yet been powerful enough, or fortunate enough, to keep their necks out of that noose? Certainly the latter. It is the power of these moneyed corporations in England, and their good fortune in our America, which, enabling them to grasp all advantages on one hand, and to repulse all penalties on the other, has enabled them to obtain express statutory exemption from bankrupt liabilities in England, and to

escape, thus far, from similar liabilities in the United States. This, sir, is history, and not invective; it is fact, and not assertion; and I will speedily refresh the Senator's memory, and bring him to recollect why it is, in point of fact, that bankrupt laws do not usually extend to these corporations. And, first, let us look to England, that great exemplar, whose evil examples we are so prompt, whose good ones we are so slow, to imitate. How stands this question of corporation unliability there? By the judicial construction of the statute of Elizabeth, the partners in all incorporated companies were held subject to the bankrupt law; and, under this construction, a commission of bankrupt was issued against Sir John Wolstenholme, a gentleman of large fortune, who had advanced a sum of money on an adventure in the East India Company's trade. The issue of this commission was affirmed by the Court of King's Bench; but this happened to take place in the reign of Charles the Second—that reign during which so little is found worthy of imitation in the Government of Great Britain—and immediately two acts of Parliament were passed, one to annul the judgment of the Court of King's Bench in the case of Sir John Wolstenholme, and the other to prevent any such judgments from being given in future. Here are copies of the two acts:

First act, to annul the judgment.

"Whereas a verdict and judgment was had in the Easter term of the King's Bench, whereby Sir John Wolstenholme, knight, and adventurer in the East India Company, was found liable to a commission of bankrupt only for, and by reason of, a share which he had in the joint stock of said company: Now, &c., Be it enacted, That the said judgment be reversed, annulled, vacated, and for nought held," &c.

Second act, to prevent such judgments in future.

"That whereas divers noblemen and gentlemen, and persons of quality, no ways bred up to trade, do often put in great stocks of money into the East India and Guinea Company: Be it enacted, That no persons adventurers for putting in money or merchandise into the said companies, or for venturing or managing the fishing trade, called the royal fishing trade, shall be reputed or taken to be a merchant or trader within any statutes for bankrupts."

Thus, and for these reasons, were chartered companies and their members exempted from the bankrupt penalties, under the dissolute reign of Charles the Second. It was not the power of the corporations at that time—for the Bank of England was not then chartered, and the East India Company had not then conquered India—which occasioned this exemption; but it was to favor the dignified characters who engaged in the trade—noblemen, gentlemen, and persons of quality. But, afterwards, when the Bank of England had become almost the Government of England, and when the East India Company had acquired the dominions of the Great Mogul, an act of Parliament expressly declared that no member of any incorporated

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company, chartered by act of Parliament, should be liable to become bankrupt. This act was passed in the reign of George the Fourth, when the Wellington ministry was in power, and when liberal principles and human rights were at the last gasp. So much for these corporation exemptions in England; and if the Senator from Massachusetts finds any thing in such instances worthy of imitation, let him stand forth and proclaim it.

But, sir, I am not yet done with my answer to this question: do such laws ordinarily extend to corporations at all? I answer, most decidedly, that they do! that they apply in England to all the corporations, except those specially excepted by the act of George the Fourth; and these are few in number, though great in power—powerful, but few—nothing but units to myriads compared to those which are not excepted. The words of that act are: "Member of, or subscriber to, any incorporated commercial or trading companies, established by charter act of Parliament." These words cut off at once the many ten thousand corporations in the British empire existing by prescription, or incorporated by letters patent from the King; and then they cut off all those even chartered by act of Parliament, which are not commercial or trading in their nature. This saves but a few out of the hundreds of thousands of corporations which abound in England, Scotland, Wales, and Ireland. It saves, or rather confirms, the exemption of the Bank of England, which is a trader in money, and it confirms, also, the exemption of the East India Company, which is, in contemplation of law at least, a commercial company; and it saves or exempts a few others deriving charters of incorporation from Parliament; but it leaves subject to the law the whole wilderness of corporations, of which there are thousands in London alone, which derive from prescription or letters patent; and it also leaves subject to the same laws all the corporations created by charter act of Parliament, which are not commercial or trading. The words of the act are very peculiar—"charter act of Parliament;" so that corporations by a general law, without a special charter act, are not included in the exemption. This answer, added to what has been previously said, must be a sufficient reply to the Senator's question, whether bankrupt laws ordinarily extend to corporations? Sir, out of the myriad of corporations in Great Britain, the bankrupt law extends to the whole, except some half dozen or dozen.

So much for the exemption of these corporations in England; now for our America. We never had but one bankrupt law in the United States, and that for the short period of three or four years. It was passed under the administration of the elder Mr. Adams, and repealed under Mr. Jefferson. It copied the English acts including among the subjects of bankruptcy, bankers, brokers, and factors. Corporations were not included; and it is probable

that no question was raised about them, as, up to that time, their number was few, and their conduct generally good. But, at a later date, the enactment of a bankrupt law was again attempted in our Congress; and, at that period, the multiplication and the misconduct of banks presented them to the minds of many as proper subjects for the application of the law; I speak of the bill of 1827, brought into the Senate, and lost. That bill, like all previous laws since the time of George II., was made applicable to bankers, brokers, and factors. A Senator from North Carolina (Mr. BRANCH) moved to include banking corporations. The motion was lost, there being but twelve votes for it; but in this twelve there were some whose names must carry weight to any cause to which they are attached. The twelve were, Messrs. Barton, Benton, Branch, Cobb, Dickerson, Hendricks, Macon, Noble, Randolph, Reed, Smith of South Carolina, and White. The whole of the friends of the bill, twenty-one in number, voted against the proposition, (the present Chief Magistrate in the number,) and for the obvious reason, with some, of not encumbering the measure they were so anxious to carry, by putting into it a new and untried provision. And thus stands our own legislation on this subject. In point of fact, then, chartered corporations have thus far escaped bankrupt penalties, both in England and in our America; but ought they to continue to escape? This is the question—the true and important inquiry, which is now to occupy the public mind.

The Senator from Massachusetts (Mr. WEBSTER) says the object of bankrupt laws has no relation to currency; that their object is simply to distribute the effects of insolvent debtors among their creditors. So says the Senator, but what says history? What says the practice of Great Britain? I will show you what it says, and for that purpose will read a passage from McCulloh's notes on Smith's Wealth of Nations. He says:

"In 1814-'15, and '16, no fewer than 240 country banks stopped payment, and ninety-two commissions of bankruptcy were issued against these establishments, being at the rate of one commission against every seven and a half of the total number of country banks existing in 1813."

Two hundred and forty stopped payment at one dash, and ninety-two subjected to commissions of bankruptcy. They were not indeed chartered banks, for there are none such in England, except the Bank of England; but they were legalized establishments, existing under the first joint-stock bank act of 1708, and they were banks of issue. Yet they were subjected to the bankrupt laws, ninety-two of them in a single season of bank catalepsy; their broken "promises to pay" were taken out of circulation; their doors closed; their directors and officers turned out; their whole effects, real and personal, their money, debts, books, paper, and every thing, put into the hands of as-

signees; and to these assignees, the holders of their notes forwarded their demands, and were paid, every one in equal proportion—as the debts of the bank were collected, and its effects converted into money; and this without expense or trouble to any one of them. Ninety-two banks in England shared this fate in a single season of bank mortality; five hundred more could be enumerated in other seasons, many of them superior in real capital, credit, and circulation, to our famous chartered banks, most of which are banks of moonshine, built upon each other's paper, and the whole ready to fly sky-high the moment any one of the concern becomes sufficiently inflated to burst. The immediate effect of this application of the bankrupt laws to banks in England, is two-fold: first, to save the general currency from depreciation, by stopping the issue and circulation of irredeemable notes; secondly, to do equal justice to all creditors, high and low, rich and poor, present and absent, the widow and the orphan, as well as the cunning and the powerful, by distributing their effects in proportionate amounts to all who hold demands. This is the operation of bankrupt laws upon banks in England, and all over the British empire; and it happens to be the precise check upon the issue of broken bank paper, and the precise remedy for the injured holders of their dishonored paper, which the President recommends. Here is his recommendation, listen to it:

“In the mean time, it is our duty to provide all the remedies against a depreciated paper currency which the constitution enables us to afford. The Treasury Department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations and other bankers. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, and an effectual remedy given to the citizen, in a way at once equal in all parts of the Union, and fully authorized by the constitution.”

The Senator from Massachusetts says he would not, intentionally, do injustice to the Message or its author; and doubtless he is not conscious of violating that benevolent determination; but here is injustice, both to the Message and to its author; injustice in not quoting the Message as it is, and showing that it proposes a remedy to the citizen, as well as a check upon insolvent issues; injustice to the author in denying that the object of bankrupt laws has any relation to currency, when history shows that these laws are the actual instrument for regulating and purifying the whole local paper currency of the entire British empire, and saving that country from the frauds, losses, impositions, and demoralization of an irredeemable paper money.

The Senator from Massachusetts says the object of bankrupt laws has no relation to currency. If he means hard-money currency, I agree with him; but if he means bank notes, as I am sure he does, then I point him to the

British bankrupt code, which applies to every bank of issue in the British empire, except the Bank of England itself, and the few others, four or five in number, which are incorporated by charter acts. All the joint stock banks, all the private banks, all the bankers of England, Scotland, Wales, and Ireland, are subject to the law of bankruptcy. Many of these establishments are of great capital and credit; some having hundreds, or even thousands of partners; and many of them having ten, or twenty, or thirty, and some even forty branches. They are almost the exclusive furnishers of the local and common bank-note currency; the Bank of England notes being chiefly used in the great cities for large mercantile and Government payments. These joint-stock banks, private companies, and individual bankers are, practically, in the British empire what the local banks are in the United States. They perform the same functions, and differ in name only; not in substance nor in conduct. They have no charters, but they have a legalized existence; they are not corporations, but they are allowed by law to act in a body; they furnish the actual paper currency of the great body of the people of the British empire, as much so as our local banks furnish the mass of paper currency to the people of the United States. They have had twenty-four millions sterling (one hundred and twenty millions of dollars) in circulation at one time; a sum nearly equal to the greatest issue ever known in the United States, and more than equal to the whole bank-note circulation of the present day. They are all subject to the law of bankruptcy, and their twenty-four millions sterling of currency along with them; and five hundred of them have been shut up and wound up under commissions of bankruptcy in the last forty years; and yet the Senator from Massachusetts informs us that the object of bankrupt laws has no relation to currency!

But it is not necessary to go all the way to England to find bankrupt laws having relation to currency. The act passed in our own country, about forty years ago, applied to bankers; the bill brought into the House of Representatives, about fifteen years ago, by a gentleman then, and now, a Representative from the city of Philadelphia, (Mr. SERGEANT,) also applied to bankers; and the bill brought into this Senate, ten years ago, by a Senator from South Carolina, not now a member of this body, (General HAYNE,) still applied to bankers. These bankers, of whom there were many in the United States, and of whom Girard, in the East, and Yeatman and Woods, in the West, were the most considerable—these bankers all issued paper money; they all issued currency. The act, then, of 1798, if it had continued in force, or the two bills just referred to, if they had become law, would have operated upon these bankers and their banks—would have stopped their issues, and put their establishments into the hands of assignees, and distrib-

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uted their effects among their creditors. This, certainly, would have been having some relation to currency: so that, even with our limited essays towards a bankrupt system, we have scaled the outworks of the banking empire; we have laid hold of bankers, but not of banks; we have reached the bank of Girard, but not the Girard bank; we have applied our law to the bank of Yeatman and Woods, but not to the rabble of petty corporations which have not the title of their capital and credit. We have gone as far as bankers, but not as far as banks; and now give me a reason for the difference. Give me a reason why the act of 1798, the bill of Mr. SERGEANT, in 1821, and the bill of General HAYNE, in 1827, should not include banks as well as bankers. They both perform the same function—that of issuing paper currency. They both involve the same mischief when they stop payment—that of afflicting the country with a circulation of irredeemable and depreciated paper money. They are both culpable in the same mode, and in the same degree; for they are both violators of their “promises to pay.” They both exact a general credit from the community, and they both abuse that credit. They both have creditors, and they both have effects; and these creditors have as much right to a *pro rata* distribution of the effects in one case as in the other. Why, then, a distinction in favor of the bank? Is it because corporate bodies are superior to natural bodies? because artificial beings are superior to natural beings? or, rather, is it not because corporations are assemblages of men, and assemblages are more powerful than single men; and, therefore, these corporations, in addition to all their vast privileges, are also to have the privilege of being bankrupt, and afflicting the country with the evils of bankruptcy, without themselves being subjected to the laws of bankruptcy? Be this as it may—be the cause what it will—the decree has gone forth for the decision of the question—for the trial of the issue—for the verdict and judgment upon the claim of the banks. They have many privileges and exemptions now, and they have the benefit of all laws against the community. They pay no taxes; the property of the stockholders is not liable for their debts; they sue their debtors, sell their property, and put their bodies in jail. They have the privilege of stamping paper money; the privilege of taking interest upon double, treble, and quadruple their actual money. They put up and put down the price of property, labor, and produce, as they please. They have the monopoly of making the actual currency. They are strong enough to suppress the constitutional money, and to force their own paper upon the community, and then to redeem it or not as they please. And is it to be tolerated, that, in addition to all these privileges, and all these powers, they are to be exempted from the law of bankruptcy? the only law of which they are afraid, and the only one which can protect the country against their insolvent issues, and

give a fair chance for payment to the numerous holders of their violated “promises to pay!”

I have discussed, Mr. President, the right of Congress to apply a bankrupt law to banking corporations; I have discussed it on the words of our own constitution, on the practice of England, and on the general authority of Parliament; and on each and every ground, as I fully believe, vindicated our right to pass the law. The right is clear; the expediency is manifest and glaring. Of all the objects upon the earth, banks of circulation are the fittest subjects of bankrupt laws. They act in secret, and they exact a general credit. Nobody knows their means, yet everybody must trust them. They send their “promises to pay” far and near. They push them into everybody’s hands; they make them small to go into small hands—into the hands of the laborer, the widow, the helpless, the ignorant. Suddenly the bank stops payment; all these helpless holders of their notes are without pay, and without remedy. A few on the spot get a little; those at a distance get nothing. For each to sue, is a vexatious and a losing business. The only adequate remedy—the only one that promises any justice to the body of the community, and the helpless holders of small notes—is the bankrupt remedy of assignees to distribute the effects. This makes the real effects available. When a bank stops, it has little or no specie, but it has, or ought to have, a good mass of solvent debts. At present, all these debts are unavailable to the community—they go to a few large and favored creditors; and those who are most in need get nothing. But a stronger view remains to be taken of these debts: the mass of them are due from the owners and managers of the banks—from the presidents, directors, cashiers, stockholders, attorneys; and these people do not make themselves pay. They do not sue themselves, nor protest themselves. They sue and protest others, and sell out their property, and put their bodies in jail; but, as for themselves, who are the main debtors, it is another affair! They take their time, and usually wait till the notes are heavily depreciated, and then square off with a few cents in the dollar! A commission of bankruptcy is the remedy for this evil; assignees of the effects of the bank, are the persons to make these owners, and managers, and chief debtors to the institutions, pay up. Under the bankrupt law, every holder of a note, no matter how small in amount, nor how distant the holder may reside, on forwarding the note to assignees, will receive his ratable proportion of the bank’s effects, without expense, and without trouble to himself. It is a most potent, a most proper, and most constitutional remedy against delinquent banks. It is an equitable and a brave remedy. It does honor to the President who recommended it, and is worthy of the successor of Jackson.

Our constitution contains three most vital prohibitions, of which the Federal Government

is the guardian and the guaranty, and which are now publicly trodden under foot. No State shall emit bills of credit; no State shall make any thing but gold and silver coin a tender in payment of debts; no State shall pass any law impairing the obligation of contracts. No State shall do these things. So says the constitution under which we live, and which it is the duty of every citizen to protect, preserve, and defend. But a new power has sprung up among us, and has annulled the whole of these prohibitions. That new power is the oligarchy of banks. It has filled the whole land with bills of credit; for it is admitted on all hands that bank notes, not convertible into specie, are bills of credit. It has suppressed the constitutional currency, and made depreciated paper money a forced tender in payment of every debt. It has violated all its own contracts, and compelled all individuals, and the Federal Government and State Governments, to violate theirs, and has obtained from sovereign States an express sanction, or a silent acquiescence, in this double violation of sacred obligations, and in this triple annulment of constitutional prohibitions. It is our duty to bring, or to try to bring, this new power under subordination to the laws and the Government. It is our duty to go to the succor of the constitution—to rescue, if possible, these prohibitions from daily, and public, and permanent infraction. The application of the bankrupt law to this new power, is the way to effect this rescue—the way to cause these vital prohibitions to be respected and observed, and to do it in a way to prevent collisions between the States and the Federal Government. The prohibitions are upon the States; it is they who are not to do these things, and, of course, are not to authorize others to do what they cannot do themselves. The banks are their delegates in this three-fold violation of the constitution; and, in proceeding against these delegates, we avoid collision with the States.

It is said that bankruptcy is a severe remedy to apply to banks. It may be answered that it is not more severe here than in England, where it applies to all banks of issue except the Bank of England, and a few others; and it is not more severe to them than it is to merchants and traders, and to bankers and brokers, and all unincorporated banks. Personally, I was disposed to make large allowances for the conduct of the banks. Our own improvidence tempted them into an expansion of near forty millions, in 1835 and 1836, by giving them the national domain to bank upon; a temptation which they had not fortitude to resist, and which expanded them to near the bursting point. Then they were driven almost to a choice of bankruptcy between themselves and their debtors, by the act which required near forty millions to be distributed in masses, and at brief intervals, among the States. Some failures were inevitable under these circumstances, and I was disposed to make liberal

allowances for them; but there are three things for which the banks have no excuse, and which should forever weigh against their claims to favor and confidence. These things are, first, the political aspect which the general suspension of payment was permitted to assume, and which it still wears; secondly, the issue and use of shin-plasters, and refusal to pay silver-change, when there are eighty millions of specie in the country; thirdly, the refusal, by the deposit banks, to pay out the sums which had been severed from the Treasury, and stood in the names of disbursing officers, and was actually due to those who were performing work and labor, and rendering daily services to the Government. For these three things there is no excuse; and, while memory retains their recollection, there can be no confidence in those who have done them.

The Committee on the Judiciary, to whom was referred the consideration of the President's recommendation for a bankrupt law against banking institutions, have deferred their report, and moved to be discharged. I shall make no objection to the discharge, as legislation on this subject can be delayed, without material prejudice to any interest, until the regular session. I shall look for a bill then, either with or without the inclusion of other classes; and shall consider the decision upon that bill as settling the question of the rights of the people, and the supremacy of their Government, on one hand, and of the pretensions of the banks, and their permanent supremacy over laws, Governments, constitutions, and the people, on the other.

Mr. CRITTENDEN replied to Mr. BENTON, arguing against the constitutionality and policy of the proposed partial bankrupt law, and commenting on the nature and causes of the present distressed condition of the country.

The motion to discharge the committee lies over one day.

FRIDAY, October 13.

President of the Senate pro tem.

The VICE PRESIDENT having, at the close of yesterday's sitting, stated to the Senate that he should not resume the chair during the present session,

The Senate proceeded to the election, by ballot, of a President *pro tem.*

Mr. KING, of Alabama, having received nearly all the votes which were given, was declared duly elected President of the Senate *pro tem.*

Mr. KING, on taking the chair, briefly returned his thanks to the Senate for the distinguished honor conferred upon him. It had often been his fortune to be elected by the voice of the people to distinguished offices, but this election conferred more honor, as coming from so elevated a body. The favor of the people was often obtained without merit, and as often lost without fault. Not so was it with this high

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evidence of the approbation of the Senate, for which he returned his thanks. It should be his aim and endeavor to discharge the duties imposed upon him in a manner satisfactory to the Senate, and with perfect impartiality to every Senator.

Law of Bankruptcy.

The Senate resumed the consideration of the motion of Mr. GRUNDY to discharge the Judiciary Committee from the further consideration of that part of the President's Message relating to a bankrupt law.

Mr. SOUTHARD spoke with much earnestness against the Executive recommendation, and against the constitutionality and expediency of any bankrupt law, except in relation to merchants and traders, and for the exclusive purpose of preventing fraud, and an inequitable distribution of the property of bankrupts; dwelling at times on the present condition of the country, the causes which led to it, and the prospective designs of the administration.

The question on discharging the committee was agreed to.

MONDAY, October 16

Adjournment.

On motion of Mr. NORVELL, it was

Ordered, That a committee from the Senate be

appointed to join a committee from the House to inform the President of the United States that the two Houses had completed the business before them, and were ready to adjourn.

Messrs. GRUNDY, CLAY of Alabama, and NORVELL, were appointed said committee on the part of the Senate.

Mr. KENT offered a resolution granting to the Chaplain of the Senate the same compensation for this extra session as the House had voted to its Chaplain.

The resolution was adopted.

On motion of Mr. CLAY, of Alabama, the Secretary of the Senate was ordered to inform the House that the Senate, having finished the business before it, was now ready to adjourn.

Mr. NORVELL, from the joint committee appointed to wait upon the President of the United States, informed the Senate that said committee, having waited upon the President, had been informed by him that he had no further communication to make the two Houses, and that the President wished the members, individually and collectively, health and prosperity.

A message was received from the House of Representatives by Mr. FRANKLIN, their clerk, that the House was ready to adjourn.

Whereupon, on motion of Mr. NILES, the Senate adjourned *sine die*.

TWENTY-FIFTH CONGRESS.—EXTRA SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.*

MONDAY, September 4, 1837.

At twelve o'clock, the House of Representatives was called to order by Mr. FRANKLIN, the Clerk of the last Congress, who read the President's proclamation convening the present session of Congress. He then proceeded to call

the names of the members from a roll made up by himself in the usual manner.

Election of Speaker.

The House proceeded to the election of a Speaker. Messrs. HAMER, McKENNA, and

* LIST OF MEMBERS.

Maine.—George Evans, John Fairfield, Timothy J. Carter, F. O. J. Smith, Thomas Davee, Jonathan Cilley, Joseph C. Noyes, Hugh J. Anderson.

New Hampshire.—Samuel Cushman, James Farrington, Charles J. Atherton, Joseph Weeks, Jared W. Williams.

Massachusetts.—Richard Fletcher, Stephen C. Phillips, Caleb Cushing, William Parmenter, Levi Lincoln, George Grennell, George N. Briggs, William B. Calhoun, Nathaniel B. Borden, John Q. Adams, John Reed, William S. Hastings.

Rhode Island.—J. L. Tillinghast, Robert B. Cranston.

Connecticut.—Isaac Toucey, Samuel Ingham, Elisha Haley, Thomas T. Whittlesey, Launcelot Phelps, Orin Holt.

Vermont.—Hiland Hall, William Slade, Heman Allen, Isaac Fletcher, Horace Everett.

New York.—Thomas B. Jackson, Abraham Vanderveer, C. C. Cambreleng, Ely Moore, Edward Curtis, Ogden Hoffman, Gouverneur Kemble, Obadiah Titus, Nathaniel Jones, John C. Brodhead, Zadock Pratt, Robert McClellan, Henry Vail, Albert Gallup, John I. De Graff, David Russell, John Palmer, James B. Spencer, John Edwards, Arphaxad Loomis, Henry A. Foster, Abraham P. Grant, Isaac H. Bronson, John H. Prentiss, Amasa J. Parker, John C. Clark, Andrew D. W. Bruyn, Hiram Gray, William Taylor, Bennett Bicknell, William H. Noble, Samuel Birdsall, Mark H. Sibbey, John T. Andrews, Timothy Childs, William Patterson, Luther C. Peck, Richard P. Marvin, Millard Fillmore, Charles P. Mitchell.

New Jersey.—John B. Ayer, John P. B. Maxwell, William Halsted, Joseph F. Randolph, Charles C. Stratton, Thomas Jones York.

Pennsylvania.—Lemuel Painter, John Sergeant, George W. Toland, Charles Naylor, Edward Davies, David Potts, jr., Edward Darlington, Jacob Fry, jr., Matthias Morris, David

D. Wagener, Edward B. Hubley, Henry A. Muhlenberg, Luther Kelly, Henry Logan, Dan. Sheffer, Charles McClure, William W. Potter, David Petrikin, Robert H. Hammond, Samuel W. Morris, Charles Ogle, John Klingensmith, Andrew Buchanan, T. M. T. McKennon, Richard Biddle, Wm. Beatty, Thomas Henry, Arnold Plumer.

Delaware.—John J. Milligan.

Maryland.—John Dennis, James A. Pearce, J. T. H. Worthington, Benjamin C. Howard, Isaac McKim, Wm. C. Johnson, Francis Thomas, Daniel Jenifer.

Virginia.—Henry A. Wise, Francis Mallory, John Robertson, Charles F. Mercer, John Taliaferro, R. M. T. Hunter, James Garland, Francis E. Rives, Walter Coles, George C. Dromgoole, James W. Bouldin, John M. Patton, James M. Mason, Isaac S. Pennybacker, Andrew Beirne, Archibald Stuart, John W. Jones, Robert Craig, George W. Hopkins, Joseph Johnson, William S. Morgan.

North Carolina.—Jesse A. Bynum, Edward D. Stanley, Charles Shepard, James McKay, M. T. Hawkins, Edmund Deberry, Wm. Montgomery, Aug. H. Shepperd, Abraham Rencher, Henry Conner, James Graham, Lewis Williams, Samuel T. Sawyer.

South Carolina.—H. S. Legare, Waddy Thompson, John K. Griffin, R. Barnwell Rhett, Francis W. Pickens, W. K. Clowney, F. H. Elmore, John Campbell, John P. Richardson.

Georgia.—Thomas Glasecock, J. F. Cleveland, Seaton Grantland, Charles E. Haynes, Hopkins Holsey, Jabez Jackson, George W. Owens, George W. B. Townes, W. C. Dawson.

Mississippi.—John F. H. Claiborne, S. J. Gholson.

Kentucky.—John L. Murray, Edward Rumsey, J. R. Underwood, Sherrod Williams, James Harlan, John Calhoun, John Pope, Wm. J. Graves, John White, Richard Hawes, R. A. Menifee, John Chambers, W. W. Southgate.

Tennessee.—Wm. B. Carter, A. McClellan, Jos. L. Wil-

SEPTEMBER, 1837.]

Death of Mr. Standefor.

[H. OF R.]

JONES, of Virginia, were appointed tellers; and reported the result as follows:

Total number of votes 224; necessary to a choice	-	-	113
For James K. Polk	-	-	116
John Bell	-	-	103
Scattering	-	-	5

So JAMES K. POLK was declared to have been duly elected Speaker. He was conducted to the chair by MESSRS. LAWLER and OWENS, when he made a brief address of thanks, and was then sworn in by Mr. LEWIS WILLIAMS, the senior member of the House.

The House then proceeded to ballot for a Clerk, when WALTER S. FRANKLIN received 146 votes, SAMUEL SHOCK, of Pennsylvania, 48, and 15 votes were cast for other persons.

So WALTER S. FRANKLIN was declared duly chosen Clerk.

On motion of Mr. WILLIAMS, of North Carolina, Messrs. CARR and HUNTER were appointed doorkeepers to the House.

On motion of Mr. CONNOR, Roderick Dorsey was appointed sergeant-at-arms.

On motion of Mr. GARLAND, of Virginia, a committee of three was appointed on the part of the House to join the committee on the part of the Senate to wait on the President of the United States, and inform him that a quorum of the two Houses was assembled, and that Congress was ready to receive any communication he may be pleased to make.

TUESDAY, September 5.

Mr. GARLAND of Virginia, from the Select Joint Committee appointed to wait on the President of the United States, and inform him that the two Houses of Congress were organized, reported that they had performed that duty, and that the President would transmit a Message to them in writing that day at 12 o'clock.

A Message in writing was received from the President of the United States by the hands of his private secretary, Abraham Van Buren, Esq. (See Senate proceedings.)

Printer to the House.

On motion of Mr. PATTON, of Virginia, the House then proceeded to ballot for a printer to the House.

On the twelfth ballot Thomas Allen was elected.

Mass. H. L. Turner, Wm. B. Campbell, John Bell, A. P. Maury, James K. Polk, Eben. J. Shields, Richard Cheatham, John W. Crockett, Christopher H. Williams, William Stone.

Ohio.—Alex. Duncan, Taylor Webster, Patrick G. Goode, Thomas Corwin, Thomas L. Hamer, Calvary Morris, Wm. Key Bond, J. Ridgway, John Chaney, Sampson Mason, J. Alexander, jr., Alex. Harper, D. P. Leadbetter, Wm. H. Hunter, John W. Allen, Elisha Whittlesey, Andrew Loomis, Mathias Shipley, Daniel Kilgore.

FRIDAY, September 8.

Death of Mr. Standefor.

Mr. BELL announced to the House the death of his late colleague, the Hon. JAMES STANDEFER, in the following terms:

Mr. Speaker: The melancholy duty has been assigned me, by my colleagues, of announcing to the House the death of one of our members.

JAMES STANDEFER, while on his journey to this place, in order to enter upon his duties as a member of this House, was, on the 20th of last month, suddenly arrested by the hand of the Great Destroyer of human existence. By this unexpected event, the country is deprived, at a period of more than common interest and difficulty, of the services of a most devoted and patriotic public servant, and this House of an honest and worthy member. My late colleague was remarkable for an equanimity of temper, and a kindness of feeling, combined with a justness of perception in all the concerns of life, at least of ordinary occurrence, which, without the advantages of early culture, or of books, at any time, procured for him throughout a life which was not short, the respect and esteem of numerous friends, and raised him to the rank of a useful and meritorious citizen. The same qualities of heart and mind, aided by a reputation for honesty which he nobly earned, and continued to maintain by the most scrupulous regard for truth and justice in all his transactions, public and private, caused him to be repeatedly chosen to the Legislature of his own State; of which body he was a useful and respected member. He was, for many years, a member of this, and I am sure that his quiet and unobtrusive manners—his punctual discharge of all the duties assigned him, in the organization of the House, must have secured the respect of his associates. To these evidences of his worth, I might add, that in the late war with Great Britain, he approved himself an intrepid soldier. He was, above most men I have known, who have risen in any degree into public view, under similar circumstances, free from the pride and vanity of mere station; never anxious to appear what he was not; content to be classed with the useful and faithful, he made no pretensions; had no aspirations beyond his real deserts. If, therefore, my lamented colleague cannot be said to have possessed any of those shining endowments which are required to make a figure in this

Louisiana.—Henry Johnson, Eleazar W. Ripley, Rice Garland.

Indiana.—Ratliff Boon, John Ewing, William Graham, Geo. H. Dunn, Jas. Rariden, Wm. Herrod, Albert S. White.

Illinois.—A. W. Snyder, Zadock Casey, William L. May.

Alabama.—Dixon H. Dewis, Francis S. Lyon, Reuben Chapman, Joab Lawler, Joshua L. Martin.

Missouri.—Albert G. Harrison, John Miller.

Arkansas.—Archibald Yell.

Michigan.—Isaac E. Crary.

House, which strike our fancy, or command our admiration, he might still justly lay claim to other and humbler attributes, which, upon the whole, constitute a character of solid merit, and often one of more enduring fame; and that the due and usual tribute of respect be paid to his memory, by this House, I move you, sir, the resolution which I hold in my hand:

Resolved, That as a testimony of respect for the memory of the deceased, the members of this House will go into mourning by wearing crape on the left arm for thirty days.

The resolution was unanimously adopted.

Mr. BELL then moved that the House adjourn.

And it adjourned accordingly.

MONDAY, September 11.

Payment of Specie to Members of Congress.

The resolution offered on Thursday last by Mr. BIDDLE, of Pennsylvania, and lying on the Speaker's table, having been again read as follows:

"Resolved, That the Secretary of the Treasury report to this House whether a letter, purporting to be addressed by him to the Clerk of the House of Representatives, offering payment in specie to members of Congress, is authentic; if so, to what other claimants on the Treasury a similar offer has been made, and what principle of discrimination, if any, has been adopted in the medium of payment to the public creditors."

The resolution, as modified, was agreed to.

Mr. BELL, of Tennessee, offered the following resolution; which lies for consideration one day:

Resolved, That the Secretary of the Treasury be directed, with as little delay as possible, to communicate to this House the amount of the appropriations of the past and present year remaining unexpended: the amount required to fulfil all existing engagements contracted prior to the 1st day of June last, and all existing engagements contracted since that time. Also, the amount of moneys drawn from the Treasury and placed in the hands of disbursing officers or agents on the 1st day of May last, and at the present time. And that he also report what objects of public expenditure can, with the least injury to the public service, be either wholly dispensed with during the present year, or have any material reduction.

Reference of the Message and Report.

On motion of Mr. CAMBRELENG, the Message of the President to Congress was then taken up, and referred to a Committee of the Whole on the state of the Union; and the House went thereon into committee, Mr. J. Q. ADAMS in the chair.

Mr. CAMBRELENG introduced two resolutions, as follows:

1. *Resolved*, That so much of the President's Message as relates to the finances of the country, be referred to the Committee of Ways and Means.

2. *Resolved*, That so much of the President's Mes-

sage as relates to a bankrupt law, be referred to the Committee on the Judiciary.

The resolutions were severally agreed to; the committee rose and reported them to the House, and they were concurred in.

Mr. CAMBRELENG submitted the following resolution, which was agreed to:

Resolved, That so much of the report of the Secretary of the Treasury on the state of the finances, as relates to the finances of the country, be referred to the Committee of Ways and Means; and that so much of said report as relates to a bankrupt law be referred to the Committee on the Judiciary.

Business for the Session.

Mr. F. O. J. SMITH, of Maine, said that he wished to ascertain the sense of the House as to what was to be the business of the session before it; and asked leave to introduce a resolution. Leave was given, and the following resolution was introduced:

"Resolved, That the action of the several standing committees of this House, on all matters not embraced by the Message of the President of the United States to the two Houses of Congress, communicated on the second day of the current session, be suspended until the commencement of the annual session of Congress in December next, and that the consideration of all petitions on such suspended matters be also postponed to the period above specified."

Mr. WILLIAMS, of North Carolina, moved to postpone the resolution until Wednesday.

[After a debate, in which Messrs. Smith, Whitelsey, Bell, Cambreleng, and Wise, took a part,]

The motion to postpone was rejected.

Mr. GARLAND, of Virginia, moved to rescind the resolution, by inserting "with the exception of private business." There was no reason, he said, why the private bills which had been hanging here for years, should not be acted on, in the intervals of time, when the House was not otherwise employed. The amendment was lost.

The original resolution was agreed to.

TUESDAY, September 12.

Fourth Instalment Bill.

Mr. CAMBRELENG, on leave, from the Committee of Ways and Means, reported the following bill:

A bill to postpone the fourth instalment of deposit with the States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the transfer of the fourth instalment of the deposits directed to be made with the States under the thirteenth section of the act of June 23, 1836, be, and the same is hereby, postponed until further provision by law.

Mr. CAMBRELENG would merely mention for the information of the House, that that was the only bill the committee could agree upon at this morning's session. There would, probably, be

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The United States, Mexico, and Texas.

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two other bills requiring the most urgent action of the House to-morrow morning.

The above bill was referred to a Committee of the Whole on the state of the Union.

Election of Chaplain.

The House then, on motion of Mr. GARLAND, of Virginia, went into the election of a Chaplain.

On the second ballot, Rev. Mr. Tuston received 135 votes, which being a majority of the whole, he was declared duly elected Chaplain to the House.

WEDNESDAY, September 13.

Order of Business.

The SPEAKER stated that, having considered the extent of the resolution adopted by the House on Monday, touching the course of its business, and compared it with the 16th rule of order, which requires the calling for petitions, he had been constrained to come to the conclusion that it was his duty, under that rule, to call the House, by States, for petitions; but that, if any should be presented which had no immediate relation to the special subjects recommended in the President's Message to the attention of Congress, at its present session, the House could enter into no action concerning them, but that they must, as of course, lie on the table until the period of the regular session on the first Monday of December next.

Under this decision, the States were thereupon called on for petitions, and a very few were presented, which had no reference to the currency; while a number were offered which did relate to that subject, and the prayer of which was either in favor of, or adverse to, the establishment of a national bank; and which were referred to the Committee of Ways and Means; several of them were ordered to be printed.

Proposed Issue of Treasury Notes.

MR. CAMBRELENG, from the Committee of Ways and Means, reported a bill to authorize the issuing of Treasury notes.

The bill was read twice, and referred to the Committee of the Whole on the state of the Union.

The United States, Mexico, and Texas.

The following resolution, moved yesterday by Mr. ADAMS, was read, viz:

Resolved, That the President of the United States be requested to communicate to this House, so far as may be consistent with the public interest, all the correspondence between the Government of the United States and that of Mexico, concerning the boundary between them, and particularly concerning any proposition for a cession of territory belonging to the Mexican confederation to the United States; and also all correspondence relating thereto between the Department of State and the diplomatic representatives of the United States in Mexico, and of the

said Department with those of the Mexican Republic, accredited to the Government of the United States.

MR. ADAMS observed that, as this was merely a call for information, if no opposition should be made to its adoption, he should content himself with simply asking a vote of the House upon it, without accompanying it with any remarks.

MR. HOWARD (chairman of the Committee on Foreign Relations) said that, if the gentleman from Massachusetts wished for this correspondence merely that it might be printed and thrown before the House and the country, he should make no opposition to the call; but if it was his intention to move for its reference to a committee, in violation of the plan which had been chalked out by the House for the course of its business at the present session, he should certainly oppose the adoption of the resolution. In the meanwhile, he hoped to be permitted to add a word or two in reference to the first of the resolutions. He would suggest whether the House, by merely passing a silent vote adopting the resolution, might not find itself to have established a precedent which might hereafter prove very inconvenient. He did not exactly comprehend what the object of the honorable gentleman could be in going back to the old question of our Mexican boundary, now that an intermediate province had been interposed between us and Mexico. No doubt the gentleman had good reasons, which would appear in due time.

MR. ADAMS said it was not his intention to bring the subject of our relations with Mexico into discussion at this time; but merely to obtain the information called for in the resolution, and have it printed for the use of the House and of the nation.

The resolution was, without debate, agreed to.

The following resolution, also moved yesterday by Mr. ADAMS, was read, viz:

Resolved, That the President of the United States be requested to communicate to this House whether any proposition has been made on the part of the Republic of Texas to the Government of the United States for the annexation of the said Republic of Texas to this Union, and if such proposition has been made, what answer has been returned, and all correspondence which has taken place relating thereto.

MR. WISE said he should vote against the resolution; his reason was that he was in possession of information from a high source, and on which he could explicitly, positively rely, that the correspondence referred to was not in a condition to be made public, and that it might be injurious to the public interest should it now be disclosed.

MR. HAYNES suggested to the mover to modify his resolution by the annexation of the ordinary qualifying clause, "if the communication of the same shall, in his opinion, be consistent with the public interest."

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Regulation of Government Receivers—Public Expenditures.

[SEPTEMBER, 1837.]

Mr. HAYNES' amendment prevailed, and the resolution thus amended, was adopted.

THURSDAY, September 14.

Extension of Merchants' Bonds.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill authorizing a further postponement of the payment of duty bonds and for other purposes.

Referred to the Committee of Ways and Means.

FRIDAY, September 15.

Mr. LINCOLN said that he had been charged with the care and presentation of numerous memorials, subscribed by more than three thousand of his immediate constituents, remonstrating in the most earnest manner against the annexation of Texas to the United States, and more especially against the admission of that country into the Federal Union. After the resolution adopted by the House, which restricted the action of the session to the subjects embraced in the President's Message, he had intended to have retained these memorials in his possession, until the occasion offered for the consideration of the subject to which they relate. But the extraordinary debate to which the proposition of his honorable colleague (the resolution of Mr. ADAMS, asking information from the President) had subsequently given rise, made it his duty, as he deemed, to present, without further delay, these expressions of the sentiments of his constituents. In moving, as he should be constrained to do, under the resolution of the House, that the memorials be laid upon the table, he begged leave to give notice that he should call them up for consideration whenever any proposition for the annexation of Texas to the United States should engage the attention of the House.

Mr. LINCOLN then presented sundry other petitions, remonstrating against the annexation of Texas to the United States, which were laid on the table.

The same course was taken with a large number more, of a similar tenor, presented by Mr. BRIGGS, Mr. EVERETT, and other gentlemen from the Western as well as the Eastern States.

Mr. ADAMS presented a memorial praying for retrenchment and reform, (a laugh.) He said he had been aware that these words would occasion only a universal shout of laughter in the House, but he had held it to be his duty to present the memorial, because it contained one suggestion, that the House should reduce the pay of its members from \$8 to \$4 per diem. He could not reconcile it to his conscience to withhold such a petition from the House a single day longer. (A laugh.)

Regulation of Government Receivers.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill imposing addi-

tional duties as depositories, in certain cases, on public officers.

The bill referred to the Committee of the Whole on the state of the Union.

Mr. CAMBRELENG, from the same committee, reported further a bill "adjusting the remaining claims on the late deposit banks," which received the same reference and order.

Public Expenditures.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in compliance with a resolution of the House of the 11th instant, calling upon him to report the amount of appropriations of the past and present years remaining unexpended; the amount required to fulfil existing engagements, contracted prior to the first day of June last; the existing engagements since that time; the amount of money drawn from the Treasury, and placed in the hands of disbursing officers since the first day of May last; and what objects of public expenditure can, with the least injury to the public service, be dispensed with.

The communication was as follows:

TREASURY DEPARTMENT,

September 14, 1837.

SIR: This report is submitted in compliance with the following resolution, passed on the 11th instant:

"Resolved, That the Secretary of the Treasury be directed, with as little delay as possible, to communicate to this House the amount of the appropriations of the past and present years remaining unexpended; the amount required to fulfil all existing engagements contracted prior to the first day of June last, and all existing engagements contracted since that time; also the amount of money drawn from the Treasury and placed in the hands of disbursing officers or agents on the first day of May last and at the present time; and that he also report what objects of public expenditure can, with the least injury to the public service, be either wholly dispensed with during the present year, or bear any material reduction."

The tabular statement annexed shows, as desired, "the amount of the appropriations of the past and present years remaining unexpended" to be \$24,075,239 37. (A.)

In reply to the inquiry as to "the amount of money drawn from the Treasury, and placed in the hands of disbursing officers or agents on the first day of May last, and at the present time," I would state that at the former period it appears to have been \$5,264,052 95, and at the latter \$5,049,540 76. It may be useful to add that both sums are much larger than they would otherwise be, in consequence of the unusual amount of deposits by officers of the mint.

In relation to "what objects of public expenditure can, with the least injury to the public service, be either wholly dispensed with during the present year, or bear any material reduction," I would observe that a minute and critical examination on this point was instituted in May last by this Department. The result of it was, that enough of it could and would be postponed till next year, to amount to about \$15,000,000.

Consequently, the expenditures during the present year were estimated in my recent report upon that basis, after every delay of them which the public interest may permit. It is therefore expected that, of

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the outstanding appropriations now exceeding \$24,000,000, not much over \$9,000,000 will necessarily be required to be expended during the residue of the year.

Since the resolution passed, further inquiries on this point were instituted in connection with the other departments of the Government; but the result has not been essentially varied from that to which the Department arrived last spring. The particular heads of appropriations, that it is supposed need not, and will not, be expended in full during the year, and the amounts under each, are very numerous and difficult to be prepared, but if desired will be submitted hereafter with as little delay as practicable.

The only remaining inquiry is "the amount required to fulfil all existing engagements contracted prior to the first day of June last, and all existing engagements contracted since that time."

Each Department has been requested to furnish a statement of this subject as early as it can be completed. But some delay being unavoidable, it has, in the mean time, been deemed advisable to submit immediately the answer to the other portions of the resolution.

Those statements will be made as comprehensive as possible, but can, of course, relate to only a small part of the whole appropriations of Congress, which it has been, and will be, necessary to expend during the year. All salaries of Judicial, Executive, or other officers; the expenses of foreign intercourse; the pay and subsistence in both the army and navy; all pensions; all Indian annuities; all private bills which have passed; many miscellaneous appropriations, with several other items, stand independent of any special engagements or contracts made by any public officer, and cannot, therefore, enter into this computation. Respectfully, yours,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. J. K. POLK, *Speaker H. R.*

TUESDAY, September 19.

Mr. ADAMS asked leave to offer the following resolution, which was yesterday ruled out of order by the Chair:

Resolved, That the power of annexing the people of any independent foreign State to this Union, is a power not delegated by the Constitution of the United States to their Congress, or to any Department of their Government, but reserved to the people.

Mr. HAMER objecting,

Mr. ADAMS moved that the rules be suspended for the purpose of enabling him to introduce the resolution; but the motion was negative.

The States being then again called in order for the offering of resolutions, and Massachusetts having been called, Mr. ADAMS again offered the same resolution, and moved that it lie on the table; which motion was agreed to.

The Florida War.

Mr. WISE offered the following resolution:

Resolved, That a Select Committee be appointed, by ballot, to inquire into the causes of the extraordinary delays and failures, and the enormous expenditures, which have attended the prosecution of the war against the Indians in Florida; that said com-

mittee have power to send for persons and papers, and that it have power to sit in the recess, and that it make report at the next session of Congress.

Mr. CAMBRELENG inquired why it was proposed that the committee should sit during the recess?

Mr. WISE said that the reason must be obvious. The committee could not even commence its labors before then; and there was little use in raising the committee, if its labors were to be confined to the adjournment of the present session of Congress. It was most extraordinary that two major-generals employed in this war had been successively arraigned and tried by courts-martial, while the only successful commander, General Clinch, when called as a witness in the trial, should have testified that no commanding general or subordinate officer was blame-worthy for the failure of the campaigns, but that the blame lay at the door of the War Department. In reply, the world had seen a labored defence from the late Secretary of War, General Cass; it saw the war still raging; and it was but yesterday that, in the midst of the general distress of the country, with a bankrupt Treasury, (bankrupt with a surplus of means!) the chairman of the Committee of Ways and Means had called for more than a million and a half of dollars to prosecute this ill-starred contest. Sitting in that House, as a representative of the people, while he never would hesitate in voting any necessary appropriation which was asked for, and would not stop to inquire how former appropriations had been expended, or how the sum asked for was to be applied, he felt it his duty, particularly at such a time as this, to inquire how the millions already given, and given on the mere request of the chairman of a committee, without even a statement of the Department to back it, without an estimate, and without a report, had been spent, or rather wasted.

It was now universally admitted, he believed, that in this branch of the public concerns there had been mal-administration: that great errors had been committed. Was it not worth inquiry how the public money, so lavishly and hastily appropriated, had been expended? and was it not time that some steps should be taken to put an end to a war so disgraceful to the country? The universal opinion now was, that the course of the major-general now in command was quite as objectionable as that of either of his predecessors. One of these had been publicly tried; and, though the court-martial who sat upon his conduct had honorably acquitted him, its verdict had been by the order of the late Executive expunged. Shall we submit any longer to such a state of things? He said he had proposed that the committee of inquiry should be appointed by ballot: for this was no party movement. The administration was as much interested in the inquiry as the opposition, and so was the country at large. As the divisions of party stood now nearly upon a balance, all would have an opportunity of fearlessly placing

such individuals upon the proposed committee as they thought would best discharge the duty to be accomplished.

Mr. EVERETT said that it had been his intention, when the bill making appropriations for the Florida war should come up for discussion, to offer some remarks on the general subject of that war, and the manner in which it had been conducted. At present he should regret extremely that any remarks should be indulged in, which went injuriously to affect the reputation of the late Secretary of War. Mr. E. had grounds to know in what manner that officer had acted in the discharge of his public duty, and he was satisfied that, whatever might have been the disasters of this war, no part of the responsibility rested justly on him. This had been his conviction then; it was his conviction now. Where the blame did rest he should not say. It was true, General Clinch had made use of strong expressions in his testimony before the court-martial; but he was persuaded they arose from a misapprehension of the real facts of the case. That brave man had not been fully aware of the position in which Gen. Cass stood.

Mr. GLASCOCK said: As to the question of who was in fault, he should express no opinion; but he must be permitted to say, in reply to what had fallen from the gentleman from Virginia, (Mr. WISE,) in respect to the late Secretary of War, that whenever a thorough investigation should take place, the War Department would have no cause for fear. It had been Mr. G.'s wish that such a resolution should be moved; because he had the firmest conviction that the character of General Cass would remain, as it had hitherto ever done, pure and spotless. From the expressions which had been employed, by some officers engaged in the Florida campaigns, as well as from the remarks which had now dropped from the gentleman from Virginia, Mr. G. was anxious that an investigation should be gone into: he hoped the resolution would be adopted.

Mr. CUSHING tendered his acknowledgments to his friend from Virginia for bringing forward this resolution. If there was any thing, in the whole course of the administration, which demanded investigation—any thing to which the people looked, as to a rotten point; a blot, a shame on the national reputation, it was the conduct of that Florida war. He trusted the gentleman would press this measure to an issue, and would not cease until the whole management of that contest should be fully unfolded. Year after year, army after army had been marched into the morasses of that peninsula; and general after general had been dismissed, he would not say in disgrace, but to the tender mercies of a court-martial; the blood of our people had been wasted, had been squandered, in those arid sands; and all for what? To force a few Indians from a desert tract of country, utterly useless to any but themselves, and in violation of all that was dear to them, and to the perpetual disgrace of our arms and of the

national character. More: we had enlisted Indians themselves to destroy each other; we had done that which, in the era of our national revolution, had been branded by the indignant voice of Chatham as the disgrace of the British arms. As if the poor wretches did not perish fast enough by the usual progress of our oppressive encroachments, we had enlisted them as merciless allies in the destruction and extermination of other tribes.

Mr. WISE said he would modify his resolution in consequence of what had fallen from the gentleman from Massachusetts, so as to include as the objects of investigation not only the failures in the Florida war, but the causes of the war itself. Mr. W. added, that he had been informed by a gentleman who had been in the employ of Government in Florida, that the celebrated chief *Opothleohola*, a well-known friend to the white man, and a chief of great influence among the Creeks, had been employed by General Jesup as an ally of the United States, and to aid in the suppression of the Creek war, on the express condition that if he succeeded he should be permitted to reside on his lands until he could settle the title and remove conveniently. Yet, the moment, through his exertions, the Creek war had been brought to an end, this very *Opothleohola* saw himself surrounded by the bayonets of General Jesup, and ordered off the soil. The indignant chief had produced the written agreement of the American general, and pointing to the signature, had demanded of the officer who was removing him, "Is not that signature genuine?" Thus was one of our own allies, in direct violation of the plighted faith of our commanding general, and of the nation, driven from his land. He wished all these things fully looked into.

Mr. UNDERWOOD inquired whether this stipulation of General Jesup had ever received the sanction of his superior, or had ever been submitted for such sanction?

Mr. WISE said he was unable to tell. He made the statement as it had been represented to him.

Fourth Instalment Bill.

The House went into Committee of the Whole, (Mr. HAYNES in the chair,) and took up the Senate's bill to postpone the fourth instalment of deposit with the States.

Mr. BELL, of Tennessee, said: It cannot be disguised, that the bills already reported in this House, and which received the sanction of the Senate, whatever gentlemen might profess, and whatever some of them might perhaps very honestly think, were so many features of a project which found extensive countenance, and the object of which was to establish, in fact, a national bank—a Treasury bank of deposit and issue. Disguise it as they may, such a plan has been conceived, and not only conceived, but actually embodied to a considerable extent in the bills which have been reported from a committee of this House. The plan is to establish

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a Government bank under the proper disguises for the present, and through its agency to substitute a circulating medium composed of Federal Government paper instead of the notes of State banks. We have the germ of this bank now before us; its parts are already sufficiently developed to indicate its true character. At another session, or in another Congress, by one or another addition, by way of amendment, we shall eventually behold the monster developed in all its frightful proportions. Such a subject is surely of consequence enough by itself to occupy the attention of the House, without connecting it with the less important subject under consideration.

But the questions presented by this bill are of great interest to the country. It is true the object to be accomplished by it has less connection with the great results to which I have alluded than any one of the other measures proposed for our adoption; and I believe it will be found upon examination to have originated more from the settled hostility of the administration to the policy of the deposit law of 1836, than from any actual necessity of the Government, or its tendency to promote the favorite fiscal policy of the Executive; but still it is of a piece with the general conduct and policy of those in power. One question which will be found to arise under the present bill involves the public faith. The question is presented, whether Congress or the Federal Government is not bound to keep its promise, or comply with its engagements with the States of the Union, by obligations as strong as any that can exist between it and its creditors, of any other nature or description. It is a question whether, if the States agreed to accept the deposit of the surplus in the Treasury, according to the terms of the act of 1836, by which it was tendered to them, there was not from that moment a contract between them as obligatory as any other compact between the Government and the States can be. Can the General Government, without consulting the other parties to this arrangement, dissolve it without a breach of faith?

But, sir, there is another and a much more impressive and important inquiry which presents itself in considering the effect of this bill: I mean the great question whether the expenditures of this Government are to be reduced now or ever? This is now the issue, and it is to be determined almost exclusively by this House. We already know the determination of the Executive branch of the Government, and all the influence attached to it; and we know, too, the decision of the other branch of the National Legislature. It devolves upon this House, I repeat, to settle the issue, whether the expenditures of this Government, after having been increased nearly threefold within the last few years, are to be reduced now or ever? These are questions truly which may command our exclusive attention for a season. With these convictions, and a corresponding determination,

I shall proceed to make as succinct a statement of what I believe to be the existing condition of the Treasury as I can, that it may be seen whether the repeal of the act of 1836, proposed by the bill under consideration, is demanded by the state of the Treasury, or by the public interest; for, if it be so, I shall be prepared to give it my support.

Much confusion was produced yesterday by the mere statement of the condition of the Treasury, which was presented to the House by the chairman of the Committee of Ways and Means, (Mr. CAMBRELENG.) I do not mean to say that the statement of that gentleman varies materially from that of the Secretary of the Treasury, but certainly it was well calculated to add to the difficulties which all must have felt in coming to any satisfactory conclusion as to what is the real state of the National Treasury.

I propose to present a statement based upon the facts and estimates contained in the several reports made by the Secretary of the Treasury at the present session, which I believe may be relied upon. At all events, I shall be obliged to any gentleman who shall detect any error in my statement to point it out to me as I proceed.

[Mr. Bell then entered into an elaborate examination of the state of the Treasury, to show that there would be a surplus of twenty millions; and then proceeded:]

I have now, sir, shown that, taking the statements of the several reports of the Secretary of the Treasury as correct, if the funds lying dead in the hands of disbursing officers be brought forth and applied in aid of the expenditures of the last quarter of the year, as they should be, the fourth instalment due the States can be paid, with all other actual demands against the Treasury during the year, and not scarcely more than a nominal deficit; but if, as has always been the case heretofore, a portion of the actual demands upon the Treasury shall not be presented for payment at the depositories of the public money within the year, there will be a surplus, in fact, still left in the Treasury at the end of the year.

The question now is, whether the States have not acquired rights under the act of 1836, which it is not competent for Congress to annul or defeat without their consent. It is a question of power and of right in the General Government whether, after the States have accepted the terms of the deposit act; after many of them have anticipated the funds which they expected to receive in payment of the fourth instalment, and made other important arrangements connected with their financial interest and condition, they will not have just cause to complain of a breach of faith, if this Government shall now proceed to abrogate the compact by legislative action merely, and without any communication with the States. I call upon those gentlemen especially, who hold to

what is called the State rights party, to say upon what grounds they can support the bill under consideration? Will it not be a usurpation, a clear assumption of power on our part, and an insulting disregard of the State sovereignties, if, after deluding them with promises of these funds upon certain conditions, which have been acceded to by the States, we should claim the power to postpone the execution of the compact, or to annul the whole proceeding unconditionally, without reference to their wishes or interests, and even without consulting them?

But, sir, we have the same grand object, inviting us to reject this bill, which operated with many gentlemen in giving their support to the deposit act of 1836. The question is now, as then, whether we shall set about curtailing the extravagance and profligacy of the Government in its expenditures. We have tried every other plan—every other occasion, in vain. If we would prove ourselves what we profess to be—if we be ourselves in earnest—if we are seriously the advocates of retrenchment and reform, we can never hope, in our time, a more propitious season to make one more bold and determined effort. “Now’s the day, and now’s the hour.” If we suffer ourselves to be deluded by the arguments and the devices of the advocates of power, and shall let this opportunity pass, we need never hope again. There is only one expedient left, and that is, to withhold the supplies; stop the money; keep the Treasury drained and low; cut off the means; and I engage that the expenditures, for once, shall be reduced to the actual wants of the Government. I call upon the experienced of the House—the observation of them, and there are some who have had seats here for more than twenty years—to say, if any time could be so fit, or promise equal success, in effecting this great object, as the present. I repeat, if the means are not supplied, the expenditures must cease.

Mr. McKAY, of North Carolina, contended, in reply to Mr. BELL, that there had been no change in the ordinary expenditures of the Government during the last year, but it was the extraordinary expenditures of the year which made the great difference. He agreed that in these there had been much extravagance, and he had voted against them all. Of many of those appropriations he would remark not one dollar had yet been expended. He then entered into some estimates, and read voluminous data, furnished him, he said, by the Secretary of the Treasury himself, in his own handwriting, to show the truth of his assertion as to the expenditures of the year. Among the extraordinary appropriations for the year, he named the amount of \$5,000,000 to carry into effect the Cherokee treaty.

Mr. BELL remarked that that did not enter into this estimate, as it was an appropriation of 1836, and just about so much as this error in his calculations made would reduce his (Mr.

McKAY's) estimate to his own, (Mr. BELL's.) There had been no extraordinary expenses or subjects of expenditure in 1837.

Mr. McKAY reasserted that his minutes were from the Secretary's own hand.

Mr. CAMBRELENG said that there were other items of a similar character omitted by the gentleman from North Carolina, which would make up the sum he had named.

Mr. McKAY remarked that the gentleman would have an opportunity at the next session of Congress to bring forward his plans of reform, as the Secretary had already postponed the expenditure of \$15,000,000 appropriated by the last Congress till after the first of January next. He then took similar ground to that maintained by Mr. PICKENS, as to the creation of a debt, as the necessary consequence of permitting the deposit act of 1836 to go into further operation.

WEDNESDAY, September 20.

Bankrupt Laws.

Mr. BIDDLE inquired of the chairman of the Committee of the Judiciary, or any other gentleman on that committee who could give him the information, whether it was the intention of that committee to report on the subject of bankruptcy, which had been referred to them in the Message of the President of the United States. As it was a subject of very deep interest to the whole community, he would further ask whether it was the intention of that committee to report any bill which might come in conflict with the constitutional opinions of the President, as expressed in the Senate of the United States some years since. It will be recollected that the present President expressed it as his opinion, in his place in the Senate, on a former occasion, that a bankrupt law, extending to others than merchants and bankers, would be an unconstitutional act; and he wished to know whether it was the intention of the committee to introduce a proposition of this kind.

Mr. THOMAS (chairman of the Judiciary Committee) said he felt that the response which he should make to the gentleman would be unsatisfactory. The Committee on the Judiciary had held two meetings on the subject, which had been generally referred to them. At the first meeting, it appeared to meet the approbation of all the members of the committee that the final decision as to the propriety of reporting a bankrupt law should be postponed until it was distinctly ascertained whether the measures which were expected to come from the Committee of Ways and Means would so long occupy the attention of Congress as to extend the present session to the meeting of the regular session of Congress. In this state of the case, power was given to the chairman of the Judiciary Committee to reassemble the committee as soon as the proper information could be obtained.

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A few days since, when he (Mr. THOMAS) was absent, a gentleman from Virginia propounded an inquiry to the committee somewhat similar to the one now propounded; and in consequence of this a member thereof reassembled the committee, for the purpose of considering whether they should report now, or wait until the regular session of Congress. This meeting was held without coming to any conclusion, and an adjourned meeting of the committee was to be held to-morrow morning. The gentleman would therefore perceive that he could not pretend to say what would be the course of the committee on this subject. The House had referred to them the Message of the President and the report of the Secretary of the Treasury on this subject, and he was not prepared to say what would be the decision of the committee; whether they would be disposed to pass a general bankrupt law to affect that class of citizens alluded to by the gentleman from Pennsylvania, (Mr. BIDDLE,) or not. On to-morrow morning, however, the subject would be taken up, and he presumed he would be instructed by the committee to make a report to the House in some shape or other.

Fourth Instalment Postponement Bill.

On motion of Mr. CAMBRELENG, the House then went into Committee of the Whole on the state of the Union, Mr. HAYNES in the chair, and resumed the consideration of the bill to postpone the fourth instalment of deposit with the States.

Mr. CAMBRELENG said he would detain the committee only to make a short reply to the gentleman from Tennessee, (Mr. BELL.) The gentleman had referred to the project of establishing a Treasury bank of deposit and issue. On that question he would not now detain the committee further than to say that the Treasury bank was already established, not only of deposit, but of circulation. We have always had one to some extent, and have generally had two millions of warrants in circulation. He had also referred to the expenditures of Government—they had increased two or three-fold; but that increase had been made almost exclusively for extraordinary purposes. We appropriated, in 1836, thirty-eight millions; of which, as may be seen by a report of the Committee of Ways and Means, seventeen millions and a half were appropriated to ordinary purposes, and twenty millions and a half to extraordinary objects. Of the latter, thirteen millions and a half were required for Indian treaties and Indian wars in the neighborhood of the gentleman from Tennessee. The appropriations for the present year amount to thirty-two millions, of which fourteen were for extraordinary purposes. He concurred with the gentleman as to the necessity of reducing the public expenditures. It is obvious they will, as they have done uniformly, increase with an increasing revenue, and be suddenly curtailed when the revenue falls short. Such would be the case

now, and our expenditures must be reduced to seventeen or eighteen millions.

The gentleman from Tennessee appeared to complain that the Executive had not, when the crisis came upon the country, in May last, directed the different departments to stop the expenditures. This was singular doctrine, after all we had heard for some years past on the subject of Executive usurpation, to expect the Executive to direct the execution of the laws to be suspended, while there were means in the Treasury. But, sir, the views of the President and of the departments were, from necessity, similar to those stated by the gentleman. It was evident that the revenue would fail, and that some of the expenditures could not be met—a minute inquiry was instituted in every branch of public expenditure, to ascertain what could be conveniently postponed till next year. It was ascertained that some fifteen or sixteen millions might be suspended till the next year, to wait the future action of Congress.

It would, however, be wholly impracticable to curtail the expenditures in the last quarter of the present year. The very branches of expenditure referred to by the gentleman from Tennessee are not now within our reach. One-half of the amount is already expended, and most of the remainder is under contract. Whatever we may do in curtailing the expenditures for the next year, any attempt to interfere with the expenditures of the last quarter would be wholly unavailable; and, if attempted, must be attended with much loss and embarrassment to the Government.

Gentlemen might take what view they pleased of the state of our finances, but it is impossible to make any estimate which will not exhibit a deficiency in our means to meet the current expenses of Government. This deposit cannot be made unless we create a public debt for the sole purpose of placing a surplus in the Treasury, to be transferred and deposited in the Treasuries of the several States. Such a measure, he felt persuaded, would never be sanctioned by Congress.

Mr. BELL made a few remarks in rejoinder to Mr. CAMBRELENG, and insisted that the statement of the gentleman did not controvert Mr. B.'s of yesterday, that there was a dead fund of five millions of dollars on hand; and that, assuming that fact, which he said was incontrovertible, according to the gentleman's own estimate, there would be a deficit of only one million some odd hundred thousand, but, according to Mr. B.'s estimate, an excess of rising three millions.

Mr. UNDERWOOD next addressed the committee. Mr. Chairman, (said he,) I have listened to the debate with surprise. It seems that the Secretary of the Treasury is unable to make a plain statement, unfolding the present condition of the national finances, or that we are incapable of understanding it. In either case, there is cause for regret. It is a national calamity that a man should be placed at the head

of the Treasury, whose confused and involved statements leave doubts in regard to the correctness of his reports. On the other hand, if the fault is ours, if the Secretary has been clear, discriminating, and definite, and we cannot comprehend the facts, it is a serious misfortune that the people are so poorly represented.

Mr. Chairman, when the States acceded to the terms prescribed in the deposit act of 1836, a clear contract was formed between them and the General Government—just such a contract as would entitle an individual to damages in similar circumstances, if the contract was not performed. Suppose you had a surplus quantity of work-horses, and you were to propose to me to keep them for you, that I might have the use of them as long as I retained them; that I should insure their lives, and return them in good order when called for; and that you would deliver to me a certain number at four several times, a week or a month apart; provided, however, that you should not reclaim more than one horse in any one month, without thirty days' previous notice. Suppose I assent to all this, and go on and erect stables, purchase provender, and employ hands to take care of the horses, and to work them so as to remunerate me for all my trouble and expense. Suppose you deliver me the first three portions at the times stipulated; but a few days before the last are to be delivered, you say to me that I shall not have them—that you find you have use for them yourself. May I not answer, "I want them likewise; I have made my arrangements, looking to the fulfilment of your promises. I have agreed that my neighbor's children shall go to school over the mud upon the backs of a part of the horses, and I need the rest to help me about improvements in progress on my farm. I have been at expense and trouble in preparing to take care of them. I have assumed risk by insuring their lives; and now, sir, if you don't comply on your part, I will sue you for damages." There never was a plainer case of contract between individuals than the one supposed; and yet, sir, it is precisely the case between this Government and the States. So far as legal and moral principles are concerned, there is no distinction between the cases. There is but one difference; individuals could appeal to the judiciary for redress; this Government is amenable to no such tribunal. But, sir, the perpetrator of wrong, who violates principle because he knows that he can do it with impunity, more deserves the scorn of mankind than if the dungeon or the gibbet were the penalty. I beg the members of this House not to flatter themselves that they are irresponsible for voting to violate the faith and contract of the nation. There is a political tribunal before which they must account. They may hear the verdict of an incensed people proclaimed in a voice of thunder, "Depart from our service, ye workers of iniquity." You had better not be the first to violate the contract, lest the States imitate your example, to punish you.

In contemplating the evils of a depreciated currency, I was anxious for the adoption of some effectual and immediate remedy, and desirous that the President would propose some scheme of relief in which I could concur. But he has proposed nothing for the relief of the people. On the contrary, he has told us that "all communities are apt to look to Government for too much," and referred to the "uncommon fruitfulness" of the country, and the "proceeds of our great staples," to liquidate debts at home and abroad, and to revive commerce and credit. This waiting upon the seasons and the crops is rather cold comfort to those who must perish before these remedies can operate, unless they can procure other aids. It is like telling the poor wretch who is shivering at the door, "you will get over it when warm weather comes," instead of helping him with a blanket. However much the Message has failed to propose or recommend any thing in aid of the people, it has substituted a scheme in aid of the office-holders, and still further to enlarge Executive power, the deleterious consequences of which I shall briefly expose.

The plan is to establish sub-treasuries, and to make this a "hard money Government." The jingling sounds of "hard money," when we are overwhelmed with shin-plasters, may, and probably will, tickle the ears of many people, and some, as in former days, will be deluded into the belief that the "hard money" age is just before them, and that nothing more is necessary to bring on this political millennium than to worship at the shrine of President Van Buren with increased devotion. There is no more hope of a political zealot than there is of a religious bigot. Each is without the pale of reason. I do not expect to influence partisans; but those who are not blind past all cure, may be preserved from falling into this new pit.

The plan of the President and the Secretary of the Treasury is to establish sub-treasuries at such places as may be deemed proper, and to appoint suitable officers, at which, and by whom, the public money shall be kept and disbursed; and to receive nothing in payment of public dues but specie. This plan is to bring about the hard money age!

One of my principal objections to the sub-Treasury is, the increase of Executive power and patronage which would necessarily result from it. The Secretary of the Treasury says, "The whole addition of principal officers need not exceed ten." He estimates the increased annual expense at fifty or sixty thousand dollars only. Ten principal officers! What salaries would you give to each? Not less, I suppose, than you give an Auditor—\$3,000 a year; especially as they would be located in the large cities. What a scrambling among office-seekers this new batch of offices would produce! How many interviews and intrigues at the White House would grow out of it, I leave to those who are fond of such speculations. Thirty thousand dollars a year I set down as the least

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for ten "principal officers," under this scheme! How many minor officers—clerks and agents—will be required, we are not informed; nor are we told what necessity there will be for additional buildings; nor are we told where they are to be located. I will venture to predict that, instead of \$60,000 a year, this sub-Treasury scheme will cost the nation double or treble as much, should it ever go into operation; and just in proportion as the people lose money, to sustain the establishment, so will the President gain power to reward his partisans.

But, sir, I look upon this new scheme as an entering wedge merely; the beginning of a new system, which will ultimately place all the money of the nation under Executive control. The Secretary already hints that he could furnish an excellent general paper currency, in small bills, based upon an equal amount of specie deposited in his sub-treasuries. I admit it could be done, and that it might be convenient to the people. But the transition is so easy from a sub-Treasury bank of deposit to a sub-Treasury bank of discount, that I apprehend great danger in the progress of events, that the President will deem it proper to call on Congress for power, through his Secretary, to lend money at least to the extent of the surplus revenue; and that Congress, in obedience to Executive recommendations, will sanction the project. The Secretary now says, in substance, in the 9th page of his late report, that "it is impossible to conduct our fiscal operations any length of time with ease, vigor, and uniformity, without some such regulator as a power to issue and redeem Treasury notes, or to invest and sell the investment of surpluses." I am apprehensive that a power to lend the surplus would, in the Secretary's estimation, be found a better "regulator," and that the whole scheme of sub-treasuries will eventuate in a Government bank, where the money of the nation will be loaned out at the will and pleasure of the President. Should such a state of things ever arrive, and if there is no curtailment of Executive power, as claimed and exercised by the late President, I am ready to declare that American liberty exists no longer. The people will become the mere slaves of power, and nothing short of revolution will burst their chains.

Mr. PICKENS said he would submit a proposition which he thought would meet the views of a large majority of both sides of the House, and that was to postpone the payment of the instalment to the "1st day of January, 1839," by which time it would be seen if the postponement should be made indefinite or not. Mr. P. then moved to strike out the words "till further provision by law," and insert "the 1st day of January, 1839."

Mr. DUNCAN said he was anxious for the passage of the bill. There was more than one consideration that operated on his mind and induced him to support it. The object of the deposit act was to relieve the Treasury of the surplus revenue—a surplus which, as he would

attempt to show, grew out of a policy the most dangerous and disastrous in its character, and which, if it had been persisted in, would have, in all probability, severed this Union—he meant the unequal and inequitable policy misnamed "the American system," which had for its object the official elevation of its projectors and zealous supporters, and which, in its operation, was at the same time beneficial to one portion of the Union and destructive to another. The surplus was now disposed of, and the object for which the deposit law was made is accomplished, and it was of no further use. He hoped it would take its place among the things that had been and are not, and that the policy which gave rise to its necessity would share the same fate.

The question involved in the bill was simply whether the Government shall deposit \$9,000,000 with the States, in proportion to their representation in Congress, when, to enable her to do it, she must borrow a sum equal in amount, to supply her own wants during the current year.

The first fact upon which the question depends is, does the Government want the money? And, if it does, is it not better that she should keep her own and use it, than to deposit it with the States and run in debt for an equal amount to supply her own wants? To convince the committee that the amount of the fourth instalment of the deposits would be wanted by the Government for her own use, he had prepared a statement, which was the result of a calculation from the facts stated in the report of the Secretary of the Treasury, and he believed it would be found correct, and conclusively show that Government would want the full amount of the fourth instalment. In submitting the statement, he would acknowledge his obligation to the worthy and distinguished gentleman from Maryland, (Mr. McKim,) for the assistance he had received from him in preparing the statement.

[Here Mr. Duncan submitted his statement.]

If, said Mr. D., the report of the Secretary of the Treasury is a correct and true exposition of the state of the Treasury and the finances of the nation, then his statement proved, beyond all doubt, that the money proposed to be deposited as a fourth instalment was required for the use of the Government, and it disposed of the main question.

But to return to the subject of this bill. Is it good policy for the Government to deposit her money with the States, for their use, when she wants to use it herself? The decision of this question seemed to him a small business. Present the naked question, and there was no schoolboy in the district he had the honor to represent who did not carry the answer on the end of his tongue. What was there about the question that prevented it from being a plain, easy question to answer? We are told that there exists a contract between the Govern-

ment and the States that is binding in law, in equity, and in conscience; that Congress, by a solemn act, had agreed to deposit the surplus revenue with the States for safe-keeping, provided the States would agree to receive it, and that the States had agreed to the only condition necessary to complete the contract, viz: to receive them. Therefore, the States were entitled to the full benefit of the contract, and in good faith the money ought to be paid over. What miserable sophistry! What pitiful subterfuge to cover nakedness and deformity, and how far from every true principle connected with the question! What is the title of the deposit act? "An act to provide for the deposit of the surplus revenue, and safe keeping of the same." Is there any thing in the title of this act that authorizes the belief that Congress intended that the States should have any other benefit from the public moneys than a depositor should have from any general deposit? Is there any expression in the body of the act that conveys any other meaning? On the contrary, is it not full of provisions by which such inferences are studiously foreclosed and avoided? Does not the act provide the manner in which the Secretary of the Treasury shall recall them whenever the circumstances of the Government may require? Did the supporters of that law attempt to convey the idea, or advance the argument, when it was under consideration, that the surplus revenue, in the form of a deposit, was really to be a gift to the States? No, sir. At the time the bill was under consideration, there was no idea held out or advanced other than that the money was to be placed with the States for safe-keeping. But gentlemen who rejoice at the embarrassed state of the Treasury, and who are shouting that their former predictions of misrule and ruin are verified, are willing, in violation of the meaning, spirit, and express words of the deposit law, to withhold from Government the necessary funds of conducting its only legitimate operations, and that, too, for party effect; so that possibly what they heretofore predicted, and now declare has happened, may yet, peradventure, prove true. But in what section, sentence, word, or syllable of that act is the provision to warrant the statement that the Government is pledged to deposit with the States the means of her own, which are necessary to conduct her own concerns? Sir, such a construction of the act, and such a policy, is revolting to every economist and correct judge of ordinary dealings and business habits.

THURSDAY, September 21.

Bankrupt Law.

Mr. THOMAS, chairman of the Committee on the Judiciary, rose and stated that he had been instructed by that committee to state to the House that the committee had this day adopted a resolution that it is inexpedient to report a

bankrupt law at this special session of Congress.

The Fourth Instalment Bill.

The question pending was on the amendment of Mr. PICKENS to strike from the bill the indefinite clause "till further provision by law," and insert "the first day of January, 1839."

Mr. JONES, of Virginia, said: It has been contended, that an expectation has been raised on the part of the States, that the transfer would be made; that, upon the faith of that expectation, the States had actually gone on to appropriate the amount; and that such expectation should not now be disappointed. This, sir, may be true, and I doubt not is true, as to many of the States; it may be that the course of legislation on the part of the States may subject them to very serious inconvenience, and possibly to loss. But the inquiry immediately recurs: Whose act was it that produced the difficulties with the States? It was the action of the States themselves through their Legislatures; action, too, taken by them, with full knowledge that the money so applied was neither given nor loaned, but merely deposited; liable to be called for at any moment when the wants of the Government should render necessary its return. And the argument from inconvenience, if it be worth any thing, is just as conclusive to prove that the amount, when deposited, could at no future day be called for; for I presume it will never be entirely convenient to pay back the amount. It proves that what was intended and declared to be a mere deposit for safe-keeping, was, in truth and in fact, a gift, absolute and unconditional; that such was never the intention of Congress is rendered too plain by the terms of the law itself to admit even of doubt.

But suppose it shall now be determined to pay over the fourth instalment to the States; how is the amount to be raised? It is not in the Treasury; for to all practical purposes we have very nearly an empty Treasury: by this I mean that the available means, at the disposal of the Secretary, are not sufficient to meet the demands upon it. How, then, is the money to be raised? I presume by a loan of some kind, with the faith of the Government pledged for its redemption; but ultimately to be discharged, and paid off, through the ordinary channels of taxation upon the people. It follows, then, that the people are to be taxed to raise money to distribute among the people. You most graciously give them with one hand, and take back with the other a like amount; increased, however, by the costs, and charges of collection; and, also, by the amount of interest that may have accrued on the loan. The conclusion seems to me inevitable, that the passage of the bill now under consideration will give to the fourth instalment its proper direction, by placing it in a condition to be applied to the legitimate purposes of the Government, for which it was originally intended.

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Mr. **ATHERTON** said: In whatever light it may be viewed, the question seems to be, whether we shall borrow money for the sake of depositing it with the States. The gentleman from Pennsylvania, (Mr. **SERGEANT**,) who addressed the committee some days since, was understood to admit there would be a deficiency in the Treasury, but to contend that the Secretary was bound to make this deposit, if there were no action of Congress on the subject; and that the question was whether we would stop this appropriation. Now he (Mr. A.) thought it incumbent on gentlemen to say how the Secretary could, by any possibility, do this, unless there be some action of Congress on the subject. He thought it incumbent also on those who contended there is such a vast amount of money in the Treasury, to inform the Secretary where it may be found. Nor could he conceive it to be other than a misapplication of terms to call this an appropriation.

The gentleman from Tennessee (Mr. **BELL**) has said that he views the question of making the deposit of the last instalment with the States as a question of faith, like that of making payment to any other creditor. To him (Mr. A.) the position that this was a contract, seemed utterly untenable. Are the States our creditors to the amount of the last instalment? What consideration have we received for it? Has the money already deposited, gone to pay our debts to the States? The gentleman from Ohio (Mr. **LOOMIS**) contends that the States furnish a consideration, because they are obliged to agree to accept the money, and to pledge the faith of the States for its repayment. Now, this fact, to Mr. A.'s mind, showed it to be a deposit, else why so much caution as to securing the repayment of the money when needed? All the guards and securities to this end, prove that it was the money of the United States, and not that of the States. The deposit law of 1836, both in its letter and in its spirit, is a law for the safe-keeping of the money of the United States. We have power to withdraw the money after its deposit, if we need it, and, of course, to withhold it. The law was based on the supposition of a surplus in the Treasury, and an available surplus.

The gentleman from Tennessee has said that he considered this a question whether our expenditures were to be reduced now or never, and contends that the expenditures under existing appropriations can be so reduced as to supersede any necessity of postponing the last instalment. It seemed to him (Mr. A.) that this is shown to be utterly impracticable. All expenditures have already been postponed in the Secretary's estimates, which, after a most careful investigation, it was found could properly be dispensed with for the present. It must be apparent that the greatest reduction which could, by any possibility, be made in the expenditures of the last three months of this year, would not affect the balance in the Treasury to an amount sufficient to make any difference in

the aspect of the question under consideration. As to the reference made by that gentleman to the sum in the hands of disbursing officers, it seemed only necessary to recollect that this sum is not in the Treasury, and can in no manner be made applicable by the Secretary in the manner contended for. Money in the hands of disbursing officers is charged, at once, to appropriations which are, by that, so much reduced; and of the amount returned by the last reports as in the hands of those officers, half of it is actually expended, and all the remainder contracted for. Should works under contract be stopped, every one must perceive it would be a source of great expense and loss. We should be beset with application after application for damages on account of breaches of those contracts; and it requires but very little acquaintance with such subjects to convince us at once that the responsibilities and the expense thus incurred would, by far, counterbalance any advantage that could accrue to the Treasury. He (Mr. A.) believed that a large majority of the friends of the administration would be found as ready as the gentleman from Tennessee to do all in their power to prevent extravagant appropriations. That gentleman has said that the professions of economy of this administration, like those of the last, were hollow. In regard to the professions of the last administration, perhaps he (Mr. A.) ought to defer to the greater experience of the gentleman from Tennessee, and his superior opportunities of judging. He had, however, been inclined to believe them sincere, and before he admitted the justice of the gentleman's imputation, he would like to inquire whether the friends of the gentleman, the National Republicans of the North, who have been characterized by the gentleman from South Carolina (Mr. **PICKENS**) as having reform on their lips and extravagance in their hearts, had nothing to do with these extravagant appropriations. But it did seem to him (Mr. A.) that of all the extravagance ever heard of, of all the extravagance which it ever entered into the heart of man to conceive, the greatest is that proposed by the opponents of this bill. It is to borrow money for the purpose of giving it away—according to the views of the gentleman from Kentucky, (Mr. **UNDERWOOD**,) who contends that the States have a right to retain this money after they once get it—or borrow money and pay interest for it, that it may be kept safely for us by the States, who pay no interest! In either view of the subject, he called on gentlemen to show that this is not the worst of extravagance.

Mr. **FOSTER** said he would ask the friends of the administration on that floor, and those who voted for the bill originally, and who intended to carry it out into complete effect, to meet on some common ground, and fulfil, as nearly as the exigency will permit, the original intention of that bill. He would recommend for that purpose the amendment of the gentleman from South Carolina, (Mr. **PICKENS**,) which proposes

a postponement of the fourth instalment. For, sir, asked Mr. F., does any one pretend that the Government shall never pay over this last instalment? That could not be pretended, under the plain and obvious intention of the act of 1836. Why not, then, accept the amendment suggested? Mr. F. believed something, if not this, must be done for the relief of the Treasury. The available funds at the command of the Government would go but a short way towards the liquidation of this fourth instalment. It was not to be paid over, according to the terms of the act, without resorting to some kind of debt, either by borrowing, or by an increase of the amount of Treasury notes. Under this aspect of affairs, he would be compelled to go for the bill, if no substitute or amendment were provided. The gentleman from South Carolina (Mr. PICKENS) proposed to postpone the payment of the last sum due the States until January 1st, 1839. In the mean time we can look around us, retrench our expenditures, benefit by experience, and ascertain if, without detriment, we can deposit with the States what we must all certainly admit is honestly due them. Can there be any objection to this course—to the assumption of this common ground?

Mr. BRIGGS said: Can this Government now withhold the fourth instalment without the consent of the States, and not violate the plain provisions of their own law?

The money was to be passed over to the States in four equal instalments, at fixed periods. It was to be repaid by them when wanted by the Secretary of the Treasury, to meet appropriations made by law, in ratable proportions, and in sums not exceeding a certain amount by any one State. No provision in law authorizes the Secretary to withhold, in any state of the case, any portion of the money. Nor does Congress reserve to itself the right or power to do any such thing.

The gentleman from Virginia (Mr. JONES) asks if Congress meant that this money should be deposited with the States, if the Government should want it for its own purposes? I answer, that Congress intended that all the money which should be in the Treasury on the first day of January, 1837, after deducting five millions of dollars, should be deposited with the States. To prove this intention, I refer to the explicit, unambiguous, and unqualified language of their own law, made to accomplish this identical purpose.

The gentleman from Virginia says, the fact that this thirty-seven millions were to be paid to the States by instalments does not change the character of the transaction between the General Government and the States. I concur with him fully. The instalments were arranged for the accommodation of the banks, who held that money on deposit. As between the Government and the States, the case is the same as though the whole amount had been paid out at once. If it had been so paid, neither the Sec-

retary, under the law, nor Congress, by new legislation, would have had the right to recall the money in any different manner than is provided by the terms of the law as proposed to, and accepted by, the States. This fourth instalment constitutes a much larger amount than could be demanded from the States, and cannot therefore, in good faith to them, be withheld without their consent. What Congress would have done if they had anticipated a different state of the Treasury is one thing; what they actually did, and what are the rights of the States resulting from their action, is entirely another thing.

FRIDAY, September 22.

The Fourth Instalment Bill.

Mr. SIBLEY, of New York, said that the first and great question for the House to decide, as a co-ordinate branch of the Federal Government, was this: What are the obligations resting upon Congress, in the relation which it holds to the several States, for the payment of the fourth instalment under the deposit act of 1836? Has our past action raised just and reasonable expectations on the part of the States that this money would be paid; and have those expectations led to important arrangements by the States, deeply and seriously affecting the interests of the people? If so, then have obligations and duties been imposed upon us which could not be disregarded without violating the faith of the Federal Government, and fixing a stain upon the national honor. That our position in this matter might be clearly seen, it would only be necessary to recur to the law of Congress for regulating the deposits of the public money, passed on the 23d of June, 1836, and to the action of the several States consequent upon that law.

Under this law it became the duty of the Secretary to ascertain the amount of money in the Treasury on the 1st day of July, 1837, and to communicate that amount, together with the law which appropriated and fixed the destination of the money, to the several States, as an entire proposition for their acceptance or rejection. This duty was performed by that officer, as appears by a communication made by him to Congress in January, 1837, in which he says:

"I seize the earliest occasion to inform Congress of the measures adopted by this Department since the 1st instant, in compliance with the 13th section of the act regulating the deposits of the public money."

"The balance in the Treasury on that day, which was subject to be apportioned among the several States, has, on the principles of the act, as construed by the Attorney-General, and explained in my last annual report, been ascertained to be \$37,468,859 97.

"The division of this money in detail among the several States may be seen in the document annexed, (marked A.)"

That document (continued Mr. S.) shows the

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distributive portion accruing to my own State (New York) to be \$5,352,694 28.

It had been said, by the friends of this bill, that the law of June, 1836, did not propose to deposit a sum certain. The maxim that that is certain which may be rendered certain, is a sufficient answer to such an objection. Besides, the sum designated by the law was actually rendered certain in the manner contemplated by the act, as appears by the statement of the officer charged with that duty.

The proposition, then, made by the Federal Government on the one part, to the Government of the State of New York (equally independent, and as competent to contract) of the other part, was, in substance, this: We agree to deposit with you, for your use, the sum of \$5,352,694 28, in quarter-yearly instalments, if you will agree to receive that sum and safely to keep and repay it, when duly demanded, by instalments not exceeding thirty thousand dollars each, upon thirty days' previous notice of each instalment.

What was the response of New York to this proposition? Did she say that she would receive, safely keep, and return any fractional part of the stipulated sum—as one-half, or three-fourths? No, sir! (said Mr. S.) She accepted your proposition, and your whole proposition, in all its parts and proportions. You tended her an entire contract, the essence of which were, the amount to be deposited, the times of deposit, and the terms and conditions of repayment. She closed with you upon that contract, in all its length and breadth, and has never assented to change or modification. In January, '37, the Senate and Assembly of that State, representing its sovereignty, "struck hands" with this the Federal Government, and plighted, in solemn form, its faith, and the honor of its people, for the performance of those terms, which, being accepted, drew after them reciprocal obligations of faith and duty on your part. Did New York place reliance upon that faith? Judge of her confidence by her conduct. Mindful of your interests, and her own obligations, she made prompt provision by law for the safe investment of every dollar of the money you had so proffered for her acceptance.

In full reliance on your fidelity to engagements, she apportioned the entire sum among her people, and sent out her loan officers into the several counties to pay over the amount actually received, and to issue authorized and official certificates for the payment of the balance. These officers have performed their duty. They have lent the whole five millions, and for the security of its repayment have taken bonds and mortgages. And while we are here debating whether this last instalment (amounting to nearly a million and a half of dollars, appropriated to the State of New York by the act of 1836, and actually in the Treasury of the United States last January) be now anywhere in existence, the mortgages of the landholders of that great State are duly executed and record-

ed, for securing the "safe-keeping and employment" of that identical money, according to the terms and conditions of your contract.

There exists, then, (continued Mr. S.,) a contract, compact, or agreement—call it what you will—deliberately formed between independent sovereignties, under all the sanctions and solemnities used and approved by the high contracting parties, each of which has entered upon the execution of the contract, and assumed all the liabilities contemplated by it. It is now proposed by one party to this agreement, without the consent of the other, to set at naught some of its essential provisions. This, it is urged, may be lawfully done, because our engagements are not upheld by a valid consideration; and the genius of the old common law is invoked and thrust between this Government and its just accountabilities. Sir, it will be time enough for the Federal Government to seek refuge behind the narrow and technical rules of the common law when she acknowledges its jurisdiction over her, and consents to become a party litigant before our judicial tribunals, and yields obedience to their mandates. But while she stands aloof from all these, a law unto herself, and a fountain of law unto others, it does not become her to intrench herself behind the defences of a system to which she does not acknowledge subjection.

Mr. CUSHMAN said: I contend that the deposit act is not such a contract as has been pretended. It is a mere gratuity, which cannot form the basis of a legal contract. Neither does it lay the United States under any moral obligation to deposit money with the several States which she does not now possess. Suppose, sir, that one individual should say to another that he would make him a present of a certain article, at a certain time and place; and suppose, further, that article should be accidentally destroyed; would that individual be under any legal, or even moral obligation to perfect that benevolent design? No, sir, there is not a gentleman on this floor who will contend for the fulfilment of such a promise, upon the ground that it lays the foundation of a legal contract, which can be enforced by suit at law.

Again, sir; suppose one individual should say to another that he had in the hands of his agent the sum of fifty thousand dollars, for which he had no present use. This sum you may have, with all the benefits you can derive from it, until he should be under the necessity of calling for it; when he should return it to the owner. And it is further agreed, that the same shall be delivered over in four equal instalments, in one, two, three, and four months. Now, suppose, sir, three of the above instalments to have been delivered over agreeably to the above-mentioned promise, but before the time arrives for delivering the fourth instalment, the gentleman who made the proposition is visited by some unexpected calamity; his property engulfed in the ocean, or fire may have consumed to ashes his dwellings, by which calamity he is

wholly unable to complete his original design. Is here such a contract as could be legally enforced in a court of justice? Would there be even the slightest moral obligation resting upon that individual, after having been providentially deprived of the means of fulfilling his design, to hand over the fourth instalment as above mentioned? No, sir, every gentleman must be compelled, if he intends to abide the truth, to answer this question in the negative. The person to whom such an overtute was made would not have the hardihood to assert any such claim. He could not look his friend in the face, and tell him that he was guilty of a breach of faith. No, he would blush to make a charge of that sort.

Mr. Chairman, in the case as above supposed, I have given you, as I think, a very fair exposition of the deposit law of June, 1836. That law was to regulate the deposits of the surplus revenue of the General Government. Three instalments of that surplus have been delivered over to the several States, agreeably to the requisitions of that act; but before the time had arrived for transmitting to the States the fourth instalment, she finds her financial affairs in such a situation as to leave her without any surplus to deposit. How can there be any legal or moral obligation on the part of the United States to deposit a surplus revenue which she does not possess? It is folly as well as madness to make any such pretensions.

Mr. HOLSEY said: Sir, we have strong appeals to the faith of this Government to fulfil the expectations of the States, founded upon the deposit act of 1836. I deny the obligation. I can safely appeal to the virtue and intelligence of the people, and ask whether they desire for State purposes the money collected by this Government, when it is necessary for Federal purposes? Is the fund necessary to meet the wants of the Government? This is the question. Let us refer to the report of the Secretary. This report has been condemned by the opponents of the bill as mysterious and incomprehensible. Be this as it may as to the details, the aggregate of means and liabilities is set down so plainly that "he who runs may read."

The amount of means in the Treasury for the current year, in round numbers, is twenty-six millions of dollars, exclusive of the nine millions due under the fourth instalment, and which is not a part of the income of the present year. The amount of expenditure, by virtue of appropriations, is thirty-two millions, leaving a balance of six millions against the Treasury, or a deficit to that amount. This debt of six millions cannot be paid except by a resort to the fourth instalment, or to those transfers which have already been made with the States. Shall we give them the fourth instalment in the left hand, and draw from them with the right, under the provisions of the deposit act? It is more easy to deposit money with the States than to collect it from them. Sir, the

process of collection will be fraught with delays, dangers, collisions, between the two Governments, which will leave your Treasury totally unable to pay the appropriations. It is already announced in this hall that the deposits with the States are a gift to them. Many of the States have made permanent investments of this fund. Some have deposited it with banks, to be loaned to the people. All will feel reluctant to return it. If we might judge from the tone of debate, some of the States would, as their representatives have done, attempt to "argue the seal from the bond," and prove the loan to be a gift. The difficulty is inherent in the nature of demands upon political bodies; the same which existed under the Confederation. Some will refuse to pay under colorable pretexts, and none will pay without all will pay! We must, therefore, discard the idea of drawing upon the States for the funds already on deposit with them. The only expedient left is to arrest the nine millions due under the last instalment. This amount in the deposit banks will not, in all probability, cancel the debt of six millions. Indeed, the general and signal failure of those institutions to comply with their engagements renders it doubtful whether any considerable portion of it can be collected. But as far as this fund can go to defray the expenses of the Government, it should go. It is not legitimate to divert it to any other object. But six millions of excess of expenditure is a minimum point; one to which all will, and, I believe, have agreed.

Mr. FAIRFIELD said: I need not say that being opposed to the original act in its inception, and in all its subsequent stages and processes, I am of course in favor of the bill now proposing the postponement of the payment of the fourth instalment. But it is said by several gentlemen that we cannot lawfully withhold this instalment. That the States have acquired a vested right in it, by virtue of a contract. Sir, I had thought that the doctrine of vested rights had become sufficiently odious through the indiscreet use of it by its friends, without attempting to apply it to this case. The gentleman from Massachusetts (Mr. BRIGGS) has labored to show that there is a contract between the States and the Government of the United States, and upon the establishment of that point seemed to consider the right of the States to the instalment as clearly made out. Now, sir, does one follow the other? It appears to me not. If it be a contract, the next inquiry is, what are its terms, and is it a binding and valid one? And for the purposes of this argument, it may be admitted to be a contract. All bailments are contracts. This is one kind of bailment, and, therefore, a contract. It falls within that class of bailments, technically denominated in law "deposit," which is the bailment of a thing by one to another, to be returned when the bailor calls for it. By this, the bailee acquires no right or title to the thing bailed, or to its use, but is bound to restore it when called for.

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On the part of the United States this bailment of money to the States was merely gratuitous; and there was no such consideration in the case as to render the contract a legal and valid one. But it is said there was a promise on the part of the States to pay back the money, and this constituted a good consideration. Sir, as well might I set up a legal claim to my neighbor's horse—ay, to a vested right in him, because my neighbor, in the exercise of a spirit of courtesy and kindness, said I might have the use of his horse at any time, on my promise to return him. But the gentleman from New York (Mr. SIBLEY) has undertaken to show that there was a good consideration upon strict common law principles, and has quoted from the old books the definition of a good consideration to be “a charge or trouble to one party, or a benefit to the other;” both of which, he says, exist in this case. The States, it is said, incurred charges and trouble in receiving and keeping this money, and the General Government derived a benefit in having it kept for them. Sir, I must confess I was not prepared to hear such a position as this taken. Can it, in any sense, be said to be a charge or trouble to a State to receive a large sum of money, and use it for an indefinite period without paying interest for it? If so, I know of a great many people who would like to be troubled in the same way; and I cannot say that I should have any very serious objections to it myself. Again: how can it be said, in any proper sense of the term, that the United States Government derive a benefit from the transaction? Just look at the facts. The Government have a large surplus, which they do not want to use, lying in the deposit banks, and for which the Government is drawing interest. This surplus the Government withdraws from the banks, and deposits with the States, to be kept by them without the payment of interest. And this the gentleman from New York calls a benefit to the United States Government! Sir, I cannot conceive of a more palpable perversion of our mother tongue.

SATURDAY, September 23.

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On motion of Mr. CAMBRELENG, the House then went again into Committee of the Whole on the state of the Union, (Mr. HAYNES, of Georgia, in the chair,) and resumed the consideration of the bill to postpone the fourth instalment of deposit with the States.

Mr. F. O. J. SMITH said: It has been contended that the faith of the Government is plighted, because an expectation of the money has been created among the States, under the law of Congress; and that to withhold it would be a breach of that faith. Now, I will ask gentlemen who use this argument, how it is reconcilable with the proposition made by the honorable gentleman from Tennessee, (Mr. BELL,) or acquiesced in by him, if coming from

another quarter, to repeal and withhold from five to fifteen millions of dollars, appropriated by law, to build harbors, light-houses, breakwaters, and roads? Would not such a repeal of appropriations be equally a breach of the plighted faith of the nation, that such moneys were to be expended for such works? Sir, I see no distinction in the principle of the two measures, and in neither do I see any thing that resembles a violation of the public faith.

Sir, those who oppose this postponement or repeal of the fourth instalment, regardless of the necessitous condition of the Treasury, and on the principle of distribution, pervert the purpose of the deposit act; and I confess I was not a little surprised when I heard the gentleman from Pennsylvania, (Mr. BIDDLE,) and afterwards the gentleman from Ohio, (Mr. LOOMIS,) oppose it on the ground that it would deprive their respective States of a certain amount of dollars and cents! Pennsylvania, says the former gentleman, will be compelled to abandon a million of dollars if this bill should pass. Ohio, says the latter gentleman, will lose seven hundred thousand dollars, if this bill becomes a law. Why, sir, to me it appears wholly unworthy of the people of these two great States, to allow the mere consideration of benefit or loss in dollars and cents to enter into either their support or opposition of this bill. I have heard it remarked upon this floor, in other days, that no people like those of the Northern and Eastern States were governed by entirely sordid considerations in matters of legislation; that “no people can see a dollar so far as they can.” But, sir, when it is gravely announced upon this floor, that the constituents of the honorable gentleman to whom I have alluded, are disposed to graduate their opposition to this bill by the number of dollars and cents it may withhold from them, I think the time has arrived when the imputation of sordidness, so often cast upon the people of the Northern States, should be withdrawn, and applied to other quarters of the Union.

[Mr. LOOMIS, of Ohio, asked leave to explain. He said the gentleman from Maine misunderstood him in supposing that he (Mr. LOOMIS) made the loss of the fourth instalment to Ohio, proposed by the bill, his only reason or ground of opposition to the bill; that was only one ground of opposition to it.]

Mr. SMITH proceeded. I understand the position of the honorable gentleman from Ohio, and mean not to misrepresent him. I have not indicated that this argument of the honorable gentleman was his only ground of opposition. But, sir, it is one of his positions, urged by him upon the consideration of the committee, and consequently one which he must have regarded as worthy of the approbation of his constituents. I maintain, in reply, that it is a consideration wholly unworthy the approbation of the people of his great State, and one that is unworthy of influencing the legislation of this House upon this subject.

MR. THOMPSON said: Mr. Speaker, I shall vote for the amendment of my colleague, as it makes the bill more acceptable; but I shall vote against the bill, even if thus amended. Time and reflection have only served to confirm my first impressions of the wisdom and policy of the law depositing with the States the surplus in the Treasury. The chief recommendation of that law, to me, was not the money which it gave to the States—that was a small matter; but it was that a fund was provided to meet the future exigencies of the Government—a fund which was to be raised by each particular State in its own way, with a just regard to the different interests of each State which could best bear taxation, and not by the majority interests of the General Government, alike ignorant and reckless, as past experience has proven it to be, of the interest and circumstances of the respective States. If there were now a deficiency of resources, I should feel constrained, by the principles upon which I supported that bill, by plighted faith, and the peculiar interests of those I represent, not only to give back this fourth instalment, but all that we have received. No such case exists. I have examined the statement of the resources of the Government presented by the gentleman from Tennessee, (MR. BELL,) and have made the calculation in various forms; and, sir, I am satisfied that he has demonstrated (for it is a matter of figures) that there is no deficiency of funds. Charging the Government with all the demands upon it, including the fund of \$37,000,000 set apart to be distributed among the States, the unexpended appropriations of last year, and the appropriations of this year, and you have an aggregate of \$85,000,000. Of this sum the Secretary informs you that \$15,000,000 cannot be expended during the year, reducing the amount to \$70,000,000. The payments made, and the admitted resources of the Treasury, amount to \$64,000,000; to which add \$5,000,000 in the hands of disbursing officers, and you have \$69,000,000. In this estimate, the accruing revenue of the last half of the present year is taken, on the statement of the Secretary of the Treasury, at \$7,000,000; whereas it has been proven to my entire satisfaction that it will exceed \$9,000,000. So that, instead of a deficiency, there will be a surplus, even if you do not withhold from the States this fourth instalment. I am unable to perceive why money in the hands of disbursing officers of the Government is not as much the money of the Government as if it were in the Treasury. It is only one step nearer being paid out—that is all. The Government can order these officers to pay it back into the Treasury, only to be paid again to the disbursing officers. If, then, sir, you withhold this fourth instalment, you leave in the hands of the Government \$9,000,000; to which add the \$12,000,000 of Treasury notes, and you have a surplus of \$21,000,000—not to meet the wants of the Government, but to be deposited in your sub-

treasuries. I have another and an insuperable objection to this bill. The States will receive the fund in the bills of the State banks. The General Government will not, and cannot, receive it but in specie. The officers of the Government will be constrained by law to demand it in specie. They will be constrained by that which, with them, is stronger than laws or constitutions—by party obligations and an irresistible necessity to play out the desperate game they have commenced. I will not arm them with this terrible power over the deposit banks in their mad and ferocious experiment of a metallic currency. I would sooner see the whole amount of the fund sunk in the ocean, than the wide-wasting ruin which a demand on these banks for \$12,000,000 in specie would produce. At the very moment that you are asked to adopt a measure which must lead to this pressure on the deposit banks and their debtors, it is recommended further to indulge the merchants on their bonds. Why this discrimination? If you press the deposit banks, is not a corresponding pressure upon their debtors inevitable? Why, I ask, are they to be pressed, when the merchants are to be indulged on their bonds? I would at this time press neither. These considerations bring up at once the sub-Treasury scheme and the metallic currency. They are all cognate branches of the same system of measures, and one of them cannot be properly considered disconnected with the others.

[Mr. Thompson then proceeded at much length to speak against the sub-Treasury scheme and the metallic currency.]

MONDAY, September 25.

Mississippi Election.

MR. BUCHANAN, from the Committee of Elections, made a detailed report on the subject of the Mississippi elections, accompanied with the following resolution:

Resolved, That Samuel J. Gholson and John F. H. Claiborne are duly elected members of the 25th Congress, and as such are entitled to take their seats.

MR. MERCER considered this question one of very great importance, and one which should not be decided without being fully discussed. He therefore moved that the report be committed to a Committee of the Whole on the state of the Union.

MR. MAURY (a member of the Committee of Elections) stated that the committee were divided on the subject; but they deemed it unnecessary to present a minority report. They had determined to permit the majority to bring forward their report, and when the subject came under the House, to move to amend it in accordance with their views.

MR. WHITTLESEY, of Ohio, would inquire whether there had ever been a report of a committee on the subject of a contested election

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decided without going into Committee of the Whole.

Mr. WILLIAMS, of North Carolina, hoped, as this was as important a question as any which might be brought before the present Congress, that it would take the usual course. It was a question which required very grave deliberation, and free and full discussion, and he therefore trusted it would be referred to the Committee of the Whole on the state of the Union. The question involved a grave constitutional question, and he wished to see it settled, and settled after full, free, and deliberate discussion, which he considered it would not receive out of the Committee of the Whole.

The question was put on a motion to postpone till Wednesday, and print, and agreed to without a division.

National Bank.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following resolution:

"Resolved, That it is inexpedient to establish a national bank."

Mr. CAMBRELENG hoped the question on this resolution would be taken without debate, and on the question of agreeing to this resolution he called the yeas and nays. He wished to show the gentleman from Kentucky, (Mr. CHAMBERS,) who had alluded, during some remarks which fell from him this morning, to the dark cloud hanging over the prospects of the administration in the West, that a still darker cloud was hanging over the prospects of the friends of a national bank in this House.

The yeas and nays were ordered.

Mr. EVERETT said that his sentiments on the subject of a national bank were well known, and when the proper occasion was offered, he should maintain these sentiments. But that issue was not now to be made up, and it should not be forced upon him at this time. The veto upon such an institution had been promulgated in advance by the President of the United States, and he presumed that no friend of a national bank would bring such a proposition forward, until it was ascertained that two-thirds of that body were in favor of it. That majority in opposition was necessary, he verily believed, now, before any relief could be expected for the country; and he further believed that, were the incubus of the late Message of the President taken from that body, there would be the necessary relief. But are those of the party, in majority here, expected to vote for this measure even though they preferred it, when they know that its passage would be followed by the veto? He conceived not. And while such obstacles in the way of success did exist, he hoped that such a step would not be taken. Had Mr. Van Buren left the question to the action and decision of the House, without giving his own opinion, or declaring his own intentions in the matter, the action of that

House might be different from what it could now be expected to be. Then there might be some relief for the people anticipated as the result of this special session. As it was, the relief of the Executive is all that is asked at the hands of Congress. Mr. EVERETT concluded by moving to lay the resolution on the table.

Mr. BOON called for the yeas and nays on this motion, which were ordered.

YEAS.—Messrs. Adams, Alexander, Heman Allen, Ayerigg, Bell, Biddle, Bond, Briggs, John Calhoun, William B. Campbell, John Campbell, William B. Carter, Chambers, Cheatham, Clowney, Corwin, Cranston, Crockett, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Evans, Everett, R. Fletcher, Fillmore, Rice Garland, Goode, J. Graham, Graves, Grennell, Griffin, Hall, Halsted, Harlan, Harper, Hastings, Henry, Herod, Jenifer, Henry Johnson, Lincoln, A. W. Loomis, Lyon, Mallory, Samson Mason, Martin, Maury, Maxwell, McKennan, Menefee, Mercer, M. Morris, C. Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Rariden, Reed, Ridgway, Robertson, Rumsey, Russell, Sergeant, A. H. Shepperd, Shields, Sibley, Slade, Stratton, Thompson, Tillinghast, Toland, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, C. H. Williams, Wise, York—89.

NAYS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, T. J. Carter, Casey, Chapman, Claiborne, Cleveland, Coles, Connor, Craig, Crary, Curtis, Cushman, DeGraff, Dromgoole, Duncan, Edwards, Ewing, Farrington, Fairfield, Foster, Fry, Gallup, J. Garland, Gholson, Glascock, Grantland, Grant, Gray, Haley, Hammond, Hamer, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, Robert M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Logan, Arphaxed Loomis, J. M. Mason, May, McKay, R. McClellan, A. McClellan, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Noble, Owens, Palmer, Parker, Patton, Paynter, Pennybacker, Petrikinn, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Reilly, Rencher, Rhett, Richardson, Rives, Sawyer, Sheffer, Sheplor, Smith, Snyder, Southgate, Spencer, Stewart, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, J. W. Williams, Worthington—122.

Fourth Instalment Bill.

The House resolved itself into a Committee of the Whole on the bill to postpone the payment of the fourth instalment of the deposits to the States.

The question was on the amendment of Mr. PROKENS to strike from the bill the indefinite clause "till further provision by law," and insert "the first day of January, 1839."

Mr. GARLAND, of Virginia, said: Mr. Chairman, before I proceed to discuss the merits of the principal remedy proposed by the President for the relief of the Government and the country, I ask the indulgence of the House in making reference to the circumstances which place me, in reference to that remedy, in a pe-

culiar attitude—for no other consideration could induce me to obtrude upon the House any remark affecting me individually. The journal of the House, for the 23d Congress, exhibits the fact that my immediate predecessor, General Gordon, of Virginia, (a gentleman of whom I take pleasure in saying that he is honest, talented, honorable, magnanimous, and liberal in an eminent degree, who stood so strong in the confidence and affections of the people of his district that nothing but substantial differences of political opinion could have brought me hither in his place,) offered a scheme embracing the very principles of the recommendations of the Message. The principles of this bill, proposed by my predecessor in February, 1835, were opposed and denounced by the late administration, and all its prominent friends in both Houses of Congress, in no unmeasured terms. In this denunciation and opposition I united, and defended General Jackson's administration for its opposition to this scheme before the people of the Congressional district which I now feel honored in representing. Now, Mr. Chairman, in less than three years, I find myself compelled to defend the opinions I then entertained and defended, not against my political opponents, but against the attacks of the present administration and its friends, so completely have they changed their position. Finding for a few months past that my opinions upon this subject were in collision with those of the administration and most of its prominent friends, I carefully and deliberately reviewed my former opinions, with a view to detect any fallacy, error, or delusion under which I labored, if there was any which had contributed to form those opinions. The result of this review has been to rivet my conviction of the truth of those opinions, and an increased and more inflexible determination to adhere to them. Being satisfied that my opinions are correct, I dare not—I cannot—I will not vote for this recommendation of the Message.

The question to be decided is, whether the continuance of the present State bank system of fiscal agency, with the improvements and restrictions which experience has pointed out to us as necessary and proper, or the "untried experiment" of excluding the State banks as depositories of the public money, and restricting the receipts of the public revenue to gold and silver only, shall be adopted. This is the true issue, to the decision of which, as affects the future happiness and prosperity of the nation, the most serious and deliberate attention of the House should be directed. I need not here repeat what I have before stated, that, whenever the question of a national bank is presented, if I shall have the honor of a seat upon this floor, I shall oppose it, both upon the grounds of the want of constitutional power, and its inexpediency. The opinions I imbibed in my earliest youth, I learned from the State papers of Jefferson, Madison, and their republican contemporaries, and shall never sur-

render them until I become a tenant of the tomb.

The system of deposits adopted from the foundation of the Government, and which has prevailed to the present hour, wherever it was practicable, is the bank system. This fact, accompanied with the expressed opinions of every incumbent of the Treasury Department until the present time, proves conclusively to every reflecting mind that it was regarded as the safest, most economical, and most convenient system; without this means of keeping the public money, it must have been kept and distributed by individuals, and subject to all the extravagance, insecurity, and liability to defalcation which has ever attended individual receipts and disbursements. All preceding Secretaries, and many of our most distinguished men of the old republican school, declared their opinions in favor of the plan now proposed. It is remarkable, that a system so republican, so safe, and so innocent, as that now proposed, should never have been proposed for the adoption of Congress, by any preceding administration, or any preceding Treasury Department. If it had been viewed in its present favorable and superior light, it certainly would have been recommended; but, as it was not, I regard the omission to do it as conclusive evidence that it was not approved. The only difficulty which has ever prevailed has been between the selection of a national and State banks, some preferring the former, some the latter. There being now no national bank, the question of preference is directly presented between the State bank system and the sub-Treasury system recommended by the Executive.

[Mr. Garland then argued at great length to show that the State bank system was entitled to the preference.]

Mr. RARIDEN said: I cannot view this bill as simply intending to withhold from the States the fourth instalment of the surplus revenue. This is a false and mistaken view of it. This will not be its practical effect, for it must be kept in mind that this surplus, the payment of which to the States is to be indefinitely postponed by this bill, is already with the States in the deposit banks, and is the basis of a portion of the circulating medium of the States; and to postpone its payment to the States by the national Treasury, means nothing more or less than to withdraw from the States this basis of their circulating medium, by withdrawing from the deposit banks, in hard money, a sum equal to the amount to which each State is yet entitled under the provisions of the deposit law; and whilst this ruinous measure, which will be most sensibly felt by the western and south-western States, is pressed forward, we find another measure, claiming the same fraternity, (referring to the bill to postpone the collection of merchants' bonds,) the effects of which will be to leave with certain States several millions of money, of which the Treas-

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ury is at this time in want, and to which, under existing laws, it is now entitled.

The few remarks which I design to make are with a view to illustrate the positions just assumed.

This question has been discussed by some gentlemen, as though there was an angry and rival interest involved in the action of this House between the General and State Governments, and some seem to feel that they have specially in charge the interest of the former. For my part, I do not view it in that light, nor do I feel myself more the friend and agent of the State which sent me here than the friend and agent of the General Government. I feel that in this matter I am the common friend of both, and that the action of this House is paternal; that in a controversy like this, for the possession of a fund which each claims as trustee, the adjustment of the difference is referred to us and the co-ordinate branches for an adjustment upon principles of political equity, looking to the convenience and well-being of both claimants.

I cannot comprehend how the General Government has any adverse or paramount rights in this fund to the people of the States. It was they who infused into it all its life and vigor, and bestowed upon it all its capacities, among which was the power to levy and collect a revenue of themselves, to such amount as was necessary to carry on and carry out the functions they had bestowed upon it, and predestined it to fulfil for their own good.

Now, sir, if from accidental causes, in the due execution of the established revenue laws, more has been collected than was necessary for purposes of government, to whom does it belong—the agent who collected it, or the principal of whom it was collected? I, sir, consider it a common right of the people in a common surplus in the safe-keeping of the United States, the accumulation and inactivity of which, at the time Congress acted upon it, was paralyzing the enterprise and industry of the country. Money, we know, sir, is the generator of enterprise, and had this fund been permitted to have remained an inactive accumulating mass in the national Treasury, it would, in all probability, have checked the industry and enterprise of the country, as injuriously as its subsequent removal to the State banks stimulated them, and thereby greatly diminished the natural resources of the Treasury.

Add to this, sir, that it was a source of jealous watching with our intelligent countrymen, lest its influence might have been diverted to party purposes, instead of national. Indeed, sir, I have heard whispers that the party who once had the entire control of it, were less successful in elections since it has been wrested from their control, but whether there be any foundation for the uncharitable surmises that this fund had any agency in the success, I know not, and therefore cannot say.

Nor can I pretend to say positively that had

this surplus remained in the Bank of the United States, the result would have been different from that which followed its deposit in the State banks—if the Bank of the United States was managed by fallible human agents, and it is probable, at least possible, that they were liable to the influence of the same passions and frailties which characterized the agents of the State banks.

This is all possible, but not necessary to determine now. The surplus was removed to the State banks, which cannot now be undone or recalled.

Congress, in the passage of the deposit law, seemed to have in view to ward off from the country the injurious effects of that disposition of them.

But some gentlemen tell us now that there is no surplus, that the act is spent, and nothing remains for it to operate upon. Why so? Where has it gone to? Was not the action of Congress based upon a visible and tangible fund, to be in the Treasury on a certain day? And was it not there on that day? So says the Secretary's report. And disposed of by the act? If so, then it is a Congressional disposition of the public money; like all other dispositions, a fair and permanent charge upon the Treasury, and if misdirected by the agents of the Government, or absorbed by other appropriations, it is a fair demand of the States upon the Treasury, and so far remains to be executed.

Sir, it is important to my State that it should be executed. Much of her legislation is based upon its reception; her institutions of learning look to it; her system of internal improvements looks to it; and her citizens look to it as a fund to resuscitate, in some degree, the fountain of their currency in these dark days.

Mr. CUSHING said: Mr. Chairman, I am not prepared to vote for this bill. Various reasons for opposing it have been adduced by different gentlemen, in many of whose arguments I concur. I have another reason, particular to myself.

The clauses of the deposit act, which appertain to the present question, seem to me to possess all the features of a contract. It provides that the whole surplus revenue of the United States, beyond a certain sum, which may be in the Treasury on a certain day, shall be deposited with the several States; which deposit the States are to keep safely, and to pay back to the United States, whenever the same shall be called for by the Secretary of the Treasury in a prescribed time and mode, and on the happening of a given contingency. Here, it seems to me, is a contract in honor; and, so far as there can be a contract between the United States and the several States, a contract in law; there being reciprocal engagements, for a valuable consideration, on both sides. It is, at any rate, a quasi-contract. They who impugn this view of the question argue on the supposition that the act, performed or to be performed by the United States, is an inchoate

gift of money to the States. Not so. It is a contract of deposit; and that contract is consummated, and made perfect, on the formal reception of any instalment of the deposit by the States.

Now, entertaining this view of the transaction, I am asked by the administration to come forward and break this contract. True, a contract made by the Government of the United States cannot be enforced in law. Does that make it either honest or honorable for the United States to take advantage of its power and violate its pledged faith? I refuse to participate in any such breach of faith.

But further. The administration solicits Congress to step in between the United States and the States as a volunteer, and to violate a contract, as the means of helping the administration out of difficulties, into which its own madness and folly have wilfully sunk it, and which press equally upon the Government and the people. The object of the measure is to relieve the Secretary of the Treasury from the responsibility of acting in this matter as he has the power to do. Let him act. I will not go out of my way to interpose in this between the Executive and the several States, until the administration appeals to me in the right spirit. This it has not done. The Executive comes to us with a new doctrine, which is echoed by his friends in this House, namely, that the American Government is not to exert itself for the relief of the American people. Very well. If this be your policy, I, as representing the people, will not exert myself for the relief of your administration.

Let me restate the question. The doctrine of the Executive is, in short, that, in their mutual relations towards each other, all the Government has to do is to be supported by the people, and all the people have to do is to support the Government. Now I say that, under such circumstances, for an administration professing such tenets, I will do just that which my public duty to the country requires, and no more. I will vote for its Treasury note bill; that is, grant it a loan, not for the sake of the administration, but for the sake of the public creditors to whom the money is, or will be due, and of the Government as such, which must not be allowed to suffer, whatever may be the faults of the administration. But I will not, as a member of Congress, volunteer to take on my own shoulders the responsibility of revoking or withholding the surplus revenue from the States, in order to lighten the burden of responsibility, which the existing law imposes on the Secretary of the Treasury. Let him untangle his own snarl. I will not raise a finger to do it. The administration has got itself and the people into these desperate straits. It now proposes to cut loose from the people, and abandon them to their fate; but asks of us, the House of the people, to take upon us the propitiation for its sins; and to do this by the

violation of a contract between the Federal Government and the States. I will not do it.

Sir, I submit these brief remarks, on this particular bill, by way of preface to the more extended line of argument, which I am about to pursue.

[Mr. Cushing then proceeded to reply to the Message, and the doctrines which it contained, in a speech divided into thirty heads, each introduced with a caption, as follows: "Convocation of Congress."—"Public Distress."—"Causes of Public Distress."—"Condition of the Country."—"Objects for Congress."—"National Bank and Popular Will."—"Utility of a National Bank."—"Exchanges."—"The Bank Government."—"The President's Pledges."—"The Pet Banks."—"Divorce of Bank and State."—"Practice of other Nations."—"Use of Government Deposits."—"Utility of Credit."—"Sub-Treasuries."—"Comparative Safety."—"Defaulters."—"Financial Operations."—"The Post Office."—"Patronage."—"Treasury Bank."—"Funds receivable by Government."—"Government Paper."—"Currency and Bank Question."—"Objects of Legislation."—"Ceded Powers."—"Equality."—"Non-interference of Government."—"The true issue."—The scope and design of this abridgment excludes the whole of this most elaborate essay, except what relates to the questions before the House: and these parts are given under their respective captions.]

DIVORCE OF BANK AND STATE.

The repudiation of banks as fiscal agents of the United States—this is the new scheme, the "untried expedient," the fresh humbug, to be imposed upon the people, under cover of the cry, Divorce of bank and State. This phrase is somewhat ambiguous. It may have different meanings. In the true and legitimate sense of the words, I am for a divorce of bank and State; and I should rejoice to be able to believe that the administration was sincerely for it. I abhor that close association, that marriage, of bank and State which characterized the system of the late deposit banks, those pets of the Government; banks, some of them confessedly the mere tools of the administration; banks, earning the use of the deposits, like the Seventh Ward Bank in New York, by walking on their knees to a despotic Executive. To prevent this marriage, has ever been a favorite object of the whig party throughout the country, North, South, and West. To effect this, always has been, and I solemnly believe is at this hour, if not the favorite purpose of the administration, at any rate the sure tendency of its measures.

Sir, this is no new question. Do we forget that the late President deliberately proposed to Congress the establishment of a national bank founded on the funds of the Treasury, and conducted by the Government? Do we forget that the unpardonable sin of the late United

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States Bank was its independence of the Government—the refusal of that bank to be married to the administration? This, from beginning to end, was the point of that controversy. Do we forget that afterwards, at a later period, when the regulation of the public deposits was under discussion at the second session of the twenty-third Congress, the friends of the administration, to a man, voted and spoke against this very proposition of a divorce of bank and State, then made by Mr. Gordon, of Virginia? Nay, that they refused even to consider the subject, when Mr. Robertson moved a reference for inquiry concerning it? And now this, the desperate heresy of 1835, is the orthodox doctrine of 1837. I repeat, I am opposed to the union of bank and State; I am in favor of the separation of bank and State, if these words have any meaning which I can comprehend. I would have the Government deal with citizens doing business under the style and firm of a bank, as with other citizens; employ them, on proper terms, so long as they are honest and true; otherwise, not. I would have the Government do with its deposits just as I do with mine—selecting a suitable depository, and each contracting fairly with the other for their mutual advantage.

SUB-TREASURIES.

Admitting, upon such facts, which the President perforce does, the utility of the credit system, what then is the application he makes of it? Is it not singular, that he steps at once from a statement of the value of the credit system, to the development of a new policy of administration directly adverse to the premises?

Heretofore, the public treasure has not been in the very hands of the Treasurer of the United States, or of any deputy of his. It has been deposited in bank, to be drawn out only by warrants, countersigned, registered, and recorded, and so guarded as to render the actual money wholly inaccessible to the immediate agents of the Treasury. To avoid the evils of bank connections, the President recommends that this public money, instead of being kept on deposit in bank, shall, for greater safety, be kept in the pockets, chests, or vaults, of collectors, receivers-general, sub-treasurers, or some other denomination of agents of the Treasury. Such, in plain terms, is the scheme.

COMPARATIVE SAFETY.

If the clerks of a great merchant, or other person using a great deal of money, were to make a similar proposal to their employer, that is, a proposal that large sums of cash of his on hand should be kept in their pockets, or chests, instead of being deposited in bank, he would have good reason to suspect their honesty; but if the employer himself were to propose the plan to his clerks, and propose it as a plan of peculiar safety, they would be sure he had lost his senses.

But, demands the President, are bank vaults

any stronger than Treasury vaults—are bank agents any honester than Treasury agents?

In reply, 1st. Individuals may abscond with the public money in their pockets; but a bank corporation cannot. *Non est inventus* is a pretty frequent entry on the books of the Treasury Department against the names of individuals intrusted with public money; but I never heard of such an entry against the name of a deposit bank.

2d. There is great difference between the case of money passing at once through the hands of a man, and that of money kept for an indefinite period in his actual custody; especially when there is a stream of it continually coming in, and he can pay over out of the new receipts, so as to conceal for a long time a past defalcation.

3d. A depositor is not dependent on the strength of a bank vault, or the honesty of bank officers. He has the bank, that is, the stockholders, for security. If the bank vault is robbed, or the bank officers commit a fraud, the depositor does not bear the loss; the bank bears it. But if the Government vaults be robbed, or its agents embezzle the money intrusted to them, the deposit is gone, it is absolutely lost to the Government. When the Government deposits in bank, it has all the security of moral honesty, strong vaults, and penal bonds or laws, (for bank officers are usually under bond and are indictable for malfeasance,) which it possibly can have, with sub-treasuries; and it has the additional, and much greater security, of the stock and stockholders of the deposit bank.

4th. There is greater supervision in banks, with directors and stockholders always on the spot, vigilant over their personal interest, and having careful arrangements of inspection; none of which things could by any possibility be, to the same degree, attainable in the sub-Treasury scheme.

THE TRUE ISSUE.

And the question for the people now to decide is, whether their Government is to be active in the perpetration of mischief only? Potent as it is for evil, shall it be suffered to make itself utterly impotent for good? Shall it, in the hour of public distress and peril, coward-like, slink into a corner, in wilful neglect and abandonment of its public duty? Shall it stand upon its safe elevation, and halloo on to mischief all the furies of rapine and disorder, which the evil times have drawn forth from their lurking-places, refusing meanwhile to stir a step itself for the welfare and happiness of the country, amid the disasters which its own misrule has brought upon us?

Doubtless it is true, as the President suggests, that the country will, in time, recover itself. It has elastic and recuperative energies within it, which no power on earth can subdue. Our forests and our fields,—our oceans, lakes, and rivers,—our enterprise, industry, and intelli-

gence,—our free institutions,—the favor of Providence which has never forsaken us,—these are elements of greatness and prosperity, which baffle and defy all the errors and faults of misgovernment. But is it any apology for your striking off my arm, that its bones and muscles are endowed with a natural power to knit together again, and regain their pristine health and strength? Doubtless, the country will recover itself; but, if the recommendations of the Message are to be enforced, it has got to recover, not only without aid from the Federal Government, but in spite of the Government.

Will the people sanction such a doctrine? In the concluding paragraph of the Message, the President reminds us that we are fresh from the people, that we know their embarrassments, and the relief they need. We do so. We have submitted this question to the arbitrament of the people. We cheerfully abide their decision. We tell you, that North Carolina, Tennessee, Kentucky, Indiana, Rhode Island, Maine, have pronounced judgment on the administration. I congratulate Maine, especially, on her emancipation from the thralldom of degrading assentation to every caprice of the Executive, to which her own peculiar interests have so long been sacrificed. We hail the auspicious omen of the bright star in the East. Maine has rung the knell of radicalism. Well may she hold up to the eye of her sister States the DIRIGO in her escutcheon. The people have spoken out, and in a voice of thunder, which should be re-echoed by their Representatives in this Hall, until it penetrate into the innermost recesses of the White House. And if the assembled Representatives of the nation do nothing else for the public good in this emergency,—if all the power and influence of the Executive are to be exerted as a drag on the wheels of legislation, to preclude the adoption of any measure of general relief,—this at least we may and we will do; we may and we will enter up an APPEAL to the people, against the conduct now pursued, and the purposes professed, by this administration.

[The debate was further continued by Messrs. Fillmore, Martin, Johnson of Md., Reed, Sergeant, Mercer, Rencher, Taylor, and Bond.]

TUESDAY, September 26.

Fourth Instalment Bill.

The question on the following amendment, moved by Mr. PICKENS, was then taken:

Strike out the words "till further provision by law," and insert "the first day of January, 1839."

Rejected—yeas 65, nays not counted.

The committee rose, and reported the bill, without amendment, to the House.

WEDNESDAY, September 27.

Mississippi Election.

The House proceeded to the consideration of the report of the Committee on Elections, which was accompanied by the following resolution:

"Resolved, That Samuel J. Gholson and John F. H. Claiborne are duly elected members of the 25th Congress, and as such are entitled to take their seats."

The question was on concurring with the committee in the above resolution.

Mr. MAURY contended that, by the Constitution of the United States, it was made the duty of the Legislature of Mississippi to prescribe the time, places, and manner of holding their elections. The Constitution of the United States had made it their specific duty to do so, and if they refused or neglected to exercise the power conferred upon them, it was for Congress to exercise it. It was not in the power of the Governor, he argued, to determine upon the time, places, and manner of holding elections; and even if the Legislature of Mississippi had conferred this power upon the Governor, he could not have exercised it legally, because it would have been in contravention of the Constitution of the United States. [He then went into a critical examination of that clause in the Constitution of the United States which says: "When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies," and of the definition of the word "happen," to show that the vacancy which had occurred by the expiration of the term of the two representatives from Mississippi on the third of March last, was not such a vacancy as that contemplated by the framers of the constitution when they inserted the above clause.] The above clause, in his opinion, only referred to the contingency of a vacancy happening by the death, resignation, or other inability, of a member from a State, and did not refer to the case of the expiration of the term of service of representatives.

He contended, also, that argument as to time would not lie, because the Governor of Mississippi could not have assembled the Legislature and had an election held in time enough in the legal and proper mode. He next referred to cases that he considered cases in point, which had occurred in the Senate of the United States, where seats became vacant by the expiration of the term of Senators, and where the Governor had filled such vacancies; and showed that two decisions had been had by the Senate, where it refused to permit such Senators so appointed to qualify and take their seats, because they declared that the Governor of the State had no power to make a temporary appointment, where the regular term of the member had expired.

Mr. M. concluded by moving to strike out all after the word "Resolved," and inserting

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"That Samuel J. Gholson and John F. H. Claiborne, not being duly elected members of the House of Representatives, are not entitled to seats on this floor as such."

Mr. PENNYBACKER said: I, like the gentleman from Tennessee, (Mr. MAURY,) am a member of the Committee of Elections. The relation which I bear to the report of the majority has caused me to rise. It is due to myself, due to the majority, and perhaps due to the House, to explain the reasons which induced the committee to come to their conclusion. In doing so, sir, I shall endeavor to be as brief as possible.

The facts of the case are simply these: Messrs. Gholson and Claiborne were members of the 24th Congress; their term of office expired with that Congress: this came to pass on the 3d of March last. By the law of Mississippi, her general elections are directed to be held in the month of November, biennially. The coming November will be the time at which her general elections would have taken place, under ordinary circumstances. But, the President of the United States having issued his proclamation convening Congress on the first of this month, it was seen by the executive of the State of Mississippi, that, unless the elections were sooner brought on, the State of Mississippi would be unrepresented in the extra session. To prevent this, he issued his writs, commanding the sheriffs to hold an election, in July last, for two representatives, to serve, however, until the first Monday in November next, when, it was supposed, their successors could be regularly chosen. The writs were executed, and Messrs. Gholson and Claiborne were returned as elected.

Upon this state of facts a question has arisen: are these gentlemen entitled to their seats? and if so, for what period of time?

First. Are the gentlemen entitled to their seats?

This brings us immediately to the consideration of the clause in the constitution read by the gentleman, (Mr. MAURY,) and which is in these words: "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies." From this clause the executive of Mississippi claimed his authority to issue his writs: under this clause the members elect insist upon their seats. We are bound, therefore, to ascertain its meaning.

Its language is: "When vacancies happen," &c. Here at the threshold, the inquiry arises, had vacancies happened when the writs were issued? That vacancies existed cannot be denied. The thing of itself was nearly self-evident. Mr. P. did not know that he could make it any plainer; nevertheless, he would attempt to do so. By the Constitution of the United States various offices are created. Those of President, Vice President, Judge of the Supreme Court, Senator in Congress, and Representative in Congress are among the

number. By the same instrument, also, the tenures of those offices are fixed and established. Those of President and Vice President, being four years; that of Judge, during good behavior; that of Senator, subject to classification, six years; and that of Representative two years. Though the terms of the offices may expire, the offices themselves remain with the constitution. Now the terms of office for Messrs. Gholson and Claiborne, as members of the 24th Congress, expired with that Congress: this came to pass on the 3d of March last. On the 4th of March, then, their offices were vacant. So they continued until after the writs were issued.

Having established this position, Mr. P. would proceed.

It was said by the gentleman, (Mr. MAURY,) though vacancies existed, they had not happened; that he had examined the dictionary for the meaning of the term, and found its meaning not to apply; that it was only applied to cases of casualty; that it would be absurd to say the sun happened to rise, the tides happened to flow, &c.; that there was nothing fortuitous in these events, they were foreseen, foreknown, and must occur: so with a vacancy by efflux of time; and that the obvious meaning of the constitution was, vacancies occurring by death, &c. To this Mr. P. could not subscribe. It appeared to him that the term *chance* more exactly represented the gentleman's meaning. The constitution did not read "when vacancies *chance* to happen," but its terms were "when vacancies happen," &c. He, like the gentleman, had looked into authority. He had found one exactly in point. From it he learned (to use a figure) that to happen was a genus, whilst to chance was a species; that the one included the other, but not *vice versa*. Mr. P. then read from Crabb's Synonymes (a book from the library) the following: "To happen (that is, to fall out by a hap) is to chance as the genus to the species, whatever chances happens, but not *vice versa*. Happen respects all events, without including any collateral idea; chance comprehends, likewise, the idea of the cause and order of the events. Whatever comes to pass happens, whether regularly in the course of events, or particularly, and out of order; whatever chances happens altogether without concert, intention, and often without relation to any other thing. The newspapers contain an account of all that happens in the course of the week." Now, (said Mr. P.) whilst I do not aspire to the character of a critic, and will not arrogate to myself any great degree of learning, I will say, upon the authority I have just read, that the rising of the sun may be well said to happen; the going down of the same may be said to happen; the flowing of the tides may be said to happen; eclipses happen; and that vacancies, occurring by the efflux of time, may be said to happen. And why, sir? Because they all come to pass.

Then, from the language of the clause, the executive of Mississippi had authority for his writs.

Mr. MAURY made a few additional remarks in explanation of the position he had taken.

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The House proceeded to consider the "bill to postpone the fourth instalment of deposit with the States," reported last night, without amendment, from the Committee of the Whole.

Mr. JENIFER said: The bill immediately under consideration is to withhold from the States upwards of \$9,000,000, which was directed to be paid to them on the 1st October approaching, and this, too, without any notice to the States. The deposit bill of June, 1836, distributing \$37,000,000 amongst the several States, provides that in the event that any portion of said deposits should be required for the Treasury, the Secretary is authorized to withdraw it "in sums not exceeding \$10,000, from any one State, in any one month, without previous notice of thirty days for every additional sum of \$20,000 which may at any time be required;" thus protecting the States against a too sudden or heavy draft, by which they might be inconvenienced. This bill proposes, without such notice, to withhold from them from \$300,000 to one and a half millions, according to the amount to which each might be entitled. From Maryland, for instance, upwards of \$300,000; from Pennsylvania near \$1,000,000; South Carolina near \$400,000; New York near one million and a half, and the other States in proportion. Are there no other means by which the Treasury may be replenished than resorting to the sum pledged to be paid to the States on the 1st October, and which has in many instances been anticipated in advance? This deposit with the States has been variously appropriated. By some of them loaned out at interest; by others applied to works of internal improvement; and by some to the purposes of education; the withholding of which, as proposed, must necessarily affect, more or less, those several interests.

Should the amendment of the gentleman from South Carolina (Mr. PROCKENS) be adopted, it will render much less objectionable the bill, because that fixes the period when the nine millions shall be paid to the States, and takes from the Executive the power of withdrawing it at his will. The amendment to the amendment offered by the gentleman from Massachusetts, (Mr. ADAMS,) would make the bill still more acceptable, because in it the means are provided by which the payment is guaranteed to the States. But, sir, pass the bill, and you still have to raise, by loan, Treasury notes or other means to an additional amount. The estimate by the friends of the administration makes a deficiency in the Treasury of from 12 to 16 millions to be supplied. The nine millions withheld from the States will not answer your

demands; and if you have to resort to the expediency of raising money as you propose by your Treasury note bill, why not issue notes to the full amount?

By this means you supply the demand upon the Treasury, without sacrifice to the States; and the principle is the same, whether you raise ten or twenty millions.

Mr. J. said he had seen a statement prepared by his friend from Massachusetts, (Mr. PHILLIPS,) and which, it was to be regretted, had not been presented to the consideration of the House, which points out the means by which the demand upon the Treasury may be met without the withdrawal of the nine millions from the States, and without an additional tax upon the people. He hoped, before the question was taken, the House might have the benefit of his suggestions.

But, Mr. Speaker, why is the Government thus situated? Why is there a deficiency in the Treasury? Why is it that Congress is called to remedy the embarrassments under which the country is suffering?

I know that the response to these inquiries by the friends of the administration is, that it is attributable to the Bank of the United States—to the State banks—to overtrading by merchants—to extravagant speculations. If such be the facts, who is responsible for all these causes?

In 1828 the country was prosperous, the currency sound, bank issues within proper limits, and confidence between man and man. From that period to the present time, the country has been under the dominion of Andrew Jackson. Congress has been under his control, and his will the law of the land. Which of his friends here present, in either House, have ever dared to raise their voice against his will? He undertook to re-organize the Government—to put down the Bank of the United States—to give to the country a sound and uniform currency—to establish a metallic circulating medium, and to make the people prosperous and happy. And now, after eight years of uninterrupted experiments, with all the departments of the Government under his control, with the exercise of a power which was never wielded in any country except a despotic one, his successor, in almost the first act of his administration, is compelled to convoke Congress to remedy the evils which he has inflicted upon the country.

But, sir, Congress cannot, by their acts alone, place the country where it was ten years since. They may, by persevering in the late experiments, divide the responsibility of those ruinous measures with the Executive, but they cannot remedy them without retracing their steps. Go back to 1834; replace the public money where the law directed it should be kept; restore the constitution to its original purity by obeying its injunctions; repeal your Treasury circular, which was issued contrary to the almost unanimous consent of the Representatives

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of the people; listen to the voice which has spoken, in no doubtful language, from Indiana to Maine; attempt no more experiments upon the currency: do this, and confidence may be restored; but do not aggravate the sufferings of the people by contrasting their miserable currency with the golden bribe tendered to their representatives.

Sir, is it not extraordinary that while, on the 1st January, 1837, by a report of the Secretary of the Treasury, there was in the Treasury of the United States \$37,468,859 97 surplus over all the demands of the Government, and which was by law directed to be distributed amongst the different States, now we are told there will be a deficiency of from twelve to sixteen millions of dollars? And whilst the people are parentally advised to deny themselves many of their accustomed comforts, and to economize their own expenditures, not one effort is made to curtail the expenses of the Government, which have risen up in eight years from thirteen to thirty-two millions of dollars.

The proposition has been made to separate the interests of the Government from that of the people—to establish for the one a sound, uniform metallic currency, and for the other such paper as is denounced to be perfectly valueless. This new experiment has already commenced, and a discrimination is to be made between different classes of Government creditors. I cannot more clearly show the rank injustice, and, I might add, cruelty, practised by the Government in relation to this discrimination, than by stating a fact which has come to my knowledge since the adjournment of the House on Saturday. An old soldier of the Revolution, worn down by years and arduous duties in the service of his country, and who is entitled to a pension in consequence of those services from his Government, presented, as usual, his claim at the proper department. A check or certificate was given for the amount, and, although he entreated to have a few dollars for the payment of his post office account, he could not obtain a single dollar. To what reflections are we brought by such a state of things as this? The Representatives in Congress, heads of Departments, and various other officers of the Government, receive and send their papers, packages, and letters to and from all parts of the United States free of postage. Their frank saves them from oppression here. Amongst them, with few exceptions, gold and silver can be dispensed with except at the post office; and they being thus protected, still are tendered gold and silver, before it is asked for. And yet a poor old soldier, who is as much a creditor of the Government for his pension, as a member of Congress is for his mileage or per diem, cannot obtain as much of the precious metal as will enable him to buy from the post office his long-expected letter, perhaps from his children or grand-children, whom he may never see again. Sir, the old soldier, with a check for sixty dollars in his pocket, paid for his ser-

vices, cannot obtain from his Government money enough to pay for his letter, or credit at the post office to enable him to obtain it. And yet members of Congress and office-holders daily receive their golden reward for adhering to these experiments.

Mr. MENESEE, of Kentucky, said: Among the numerous objections to this bill, it may, not without reason, be urged, as it has been, that the act of Congress of the 23d of June, 1836, directing certain money, belonging to the United States, to be transferred to the several States, on their complying with the prescribed terms, bears the character of a legislative contract, from the obligations of which this Government cannot rightfully discharge itself, by such an interference with its provisions as the bill under consideration proposes. The act carried with it certain propositions to the States, which they accepted, respecting the public money. Its mere custody, if nothing more was intended, undoubtedly involved both expense and responsibility, independently of the express and formal stipulations to restore it when demanded according to the terms of the act. It is not pretended that the States have failed, in the smallest particular, to observe the requisitions of the act, as far as transfers have already been made; nor is their readiness or ability to comply, with respect to the instalment yet due, at all questioned.

It is perfectly competent to a Government to create, in the form of laws, contracts binding upon it. The practice often occurs. All our acts of incorporation are instances of this kind of legislation.

If, then, the act of 1836 be, as it is represented and insisted on, a contract—and it is difficult, if not impossible, to distinguish it from a contract—the objection to the bill, for that cause alone, is altogether sufficient. If a contract, it must be fulfilled. This Government cannot escape from the obligations it imposes, except by the consent of the other contracting party—the States. The violation, by Congress, of such a contract, could not, I know, be redressed by a resort to the judicial tribunals. Yet the imputation of tyranny and perfidy would justly await such a violation. A position which no one supposes an American Congress capable of occupying.

But, sir, I do not rest my opposition to this bill exclusively, or even mainly, on the ground of a supposed violation of contract involved in it. This I deem a narrow view of the matter. I place it on higher and more commanding reasons—on the true nature and spirit of the act; not as evinced by its language or its form, but by the principles in which it was conceived, the ends it aimed at, and the whole context of circumstances which attended its enactment.

What, sir, I ask, are the nature and spirit of that act? It is attempted to be maintained that it was merely intended as a measure of finance; that the public money was to be transferred, for the advantage of the Treasury

of the United States, to the State Treasuries, there to be held on deposit strictly—not contemplating the use of it, by the States, for their own benefit, even temporarily. In other words, that the States were, as such, substantially converted, by that act, into so many agents and instruments of the Federal Treasury. Under this pretension, the use of the money, by the States, even for the shortest periods, or to the least extent, was wholly forbidden; for, if Congress could authorize the use of it, by the States, without interest or equivalent, for an indefinite time, they might, upon the same principle, and with equal propriety, wholly relinquish it to the States; the constitutional power to do which, the advocates of this construction deny.

No, sir, (said he,) the act of the 23d of June was no financial expedient. It is more imposing. It is the offspring of considerations tenderly affecting the federal constitution, and the purity of its administration.

By a course of federal legislation, whether constitutional or unconstitutional, wise or unwise, is of no moment here, a large revenue had accumulated beyond the wants of the Treasury. Large, however, as this surplus was, it cannot be pretended that its mere custody by the Government was impracticable, or even difficult. Its full competency to this end was never questioned. Yet, from the earliest period of this accumulation, it was universally regarded with an eye, not only of distrust and apprehension, but of absolute abhorrence. It was viewed as the dread fountain from which were destined to flow extravagance in the federal expenditures, augmentation of Executive power, and all else that was hostile to the constitution and dangerous to public liberty. Nor, sir, was it viewed in any false light. No fear was entertained that was not just; no abhorrence felt that the frightful visage of the evil did not fully warrant. The worst predictions of its pernicious influences fast ripened into fulfilment. Government extravagance, impelled by this surplus, progressed without check, and with the utmost rapidity, to the point not only of profusion, but of profligacy verging on actual corruption. Executive power, already expanded to its fullest constitutional dimensions, seated on this same surplus, and wielded by a popular hand, wrenched from its co-ordinate departments every check, and demolished every balance designed for its restraint. Under an abused, if not unconstitutional, power of removal from office, the independence of public officers, so necessary to a pure administration, broken down to the basest servility, and the whole corps transformed from servants of the people and officers of the law into an army of mercenaries, obedient to Executive command, no matter what commanding. The Senate—prostrated, utterly. The Judiciary—contemned, defied, and principles advanced openly by the Executive abolishing every vestige of restraint through that department. Congress—a

seducing patronage perpetually playing upon it; the veto lightly and capriciously hurled at it; the practice of withholding bills, insulting and defrauding it; the purse violently wrested from it; the regulation of the currency usurped; its spirit broken; and at last, subjugated and outstretched at the feet of the Executive. The people—deceived, despised, most grievously distressed. Their most highly favored measures—the bank bill, the land bill, the currency bill, successively perishing under the veto, or that other more terrible power. Their currency—in rags, torn asunder by the hand that had snatched it from Congress.

The principle of preserving the surplus for the States, first acquired form and consistency in the land bill of Mr. Clay. That measure from its first conception was dear to the people and dear to their representatives. It received majorities in Congress seldom, if ever, commanded by so grave a measure; and it might have been reasonably supposed that such majorities, backed by the almost undivided voice of the nation, would have insured its success. Yet, sir, it perished—under the frown of one man. Not by the veto, but that more detestable engine of withholding bills. Its fate was calamitous to the country, and the calamity was aggravated by the general conviction that it was induced by no constitutional objection really existing in the breast of the Executive, but by the relentless hatred he bore the author of the measure, and an insuperable repugnance to do or permit any thing tending to advance his fame.

The determination of the country to relieve the Government of this malady did not, however, perish with that bill. It survived and flourished. It presented itself next in the form of the deposit bill of the Senate, in the spring of 1836, proposing to transfer the surplus to the States, upon the execution to the General Government of certificates of deposit bearing an interest, and negotiable by the Secretary of the Treasury. That bill found its way to this House, and finally grew into the act of the 23d of June, 1836.

This, sir, is a concise view of the history of that act, and of the principles which lie at its foundation. That history and those principles, I think, prove—the debates upon it, the general understanding of the country, every thing that attended its passage, all that could characterize such a proceeding, its contemporaneous exposition drawn from every source—manifestly prove, that this transfer of money to the States was but colorably a deposit, having been meant, in fact, as distribution. Upon its constitutionality, as an act of distribution, some, I know, expressed doubts; and, for that reason, opposed it. We have, therefore, their authority for asserting, that it involved distribution. The various hues it assumed between its first germination in the land bill, and its maturity, arose from a desire on the part of its friends to mould it to the views and constitutional opinions of

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those who favored the principle of distribution, but hesitated upon the mode of effecting it. Sir, that great act experienced much tribulation in struggling into life. The organs of the Executive, in both Houses of Congress, denounced it—reviled it—warred against it in every shape, by all means, and without quarter. Their published speeches, now before me, breathe the utmost violence towards it. It is notorious that it experienced the frowns of the Executive; for even in the third generation, it labored, in his eye, under the curse which he had pronounced on its forefather, the land bill. And when at last, after passing by most striking majorities, it was presented to the Executive, a reluctant signature was wrung from him. He did not, in the language of the constitution, approve the bill. He barely tolerated its passage, the first and last instance, during his administration, of his yielding, even in his caprices, to the will of Congress or of the people! He repented signing the bill the moment after he had done it. His spirit of unbridled rule construed it into an act of Executive humiliation; to soothe which, he followed the act of signing the bill with an extraordinary annunciation, through the official paper, of his determination to publish to the world the secret necessity which had forced it upon him. His growling and ill-suppressed wrath pursued the measure ever after.

What action, by the States, ensued the passage of this law? In their reception of their respective proportions of the surplus, none of them either viewed or treated it as a deposit merely; though, for the sake of the appearances which the act had been compelled to assume, they, too, observed the forms prescribed by it. The general policy adopted by them, respecting the application of the surplus, was the same. In the West, in particular, as in all new countries, a great demand existed for capital, the want of which repressed their enterprise, and stifled the development of the boundless resources profusely scattered around them. This act was hailed as measurably supplying that capital. Their Legislatures, previously limited to the means afforded by direct taxation, felt freed from their former restraints, and at once launched into a bold and incautious policy. Popular instruction and internal improvement were the predominating objects of their regard. The whole energy of their legislation was bent towards laying, deep and broad, the foundations of that policy; and the systems devised for the purpose became intimately connected with every ramification of business. They, in many instances, were connected with the local banks by an investment of the surplus in capital; through the banks, with the trading and mercantile interests; and ultimately with all classes.

Taking into view this application of the surplus by the States, and supposing it liable, as contended for, to be recalled at the pleasure of the Secretary of the Treasury, is it not plain

that the act, instead of abridging Executive power, as was intended, must greatly augment it? It confers upon the Executive the most dangerous power over the States—no less a power than that of direct taxation; for to that a recall of the surplus must lead; the States having no other expedient to sustain the interests shown thus to rest upon it.

Even admitting, then, that Congress may have the right to extort from the States the surplus already paid, and to withhold that now due, the exercise of the right would not be warranted, except on the most urgent and irresistible necessity.

What, sir, is that necessity, as alleged by the President, and assumed by this bill? It is, that the Treasury of the United States is unable to sustain itself in its embarrassments, without resorting to the fourth instalment intended for the States, amounting to \$9,367,214.98; the proportion of which transferable to Kentucky being nearly half a million. I have looked, in the spirit of sincere inquiry, into evidences upon which this alleged financial necessity rests; and have looked in vain. The report of the Secretary of the Treasury, submitted to Congress at the opening of the session, though obviously meant to magnify, as far as possible, our financial difficulties, has, I think, utterly failed to establish it. Information, derived officially from that department since, under resolutions of this House, still further weakens the attempt.

Without entering minutely into the condition of the Treasury, it is, in my opinion, plainly demonstrable, that, by converting into cash (which can readily be done) the bonds held by the Government on the Pennsylvania Bank of the United States, amounting to \$7,946,356 16, besides interest, means may be commanded fully adequate to the wants of the Treasury, without violating the act of 1836.

The proposition to withhold this surplus would be more tolerable, if it were intended to prevent the creation of a new national debt; my aversion to which, if any thing could, might induce me to support it. But it intends no such thing. The President boldly announces to the people of the United States the starting purpose of fixing upon them a new public debt—not in a direct form, but under the insidious disguise of Treasury notes. The employment of these notes is, in the end, more pernicious than any other expedient of finance that could be adopted. Under its cover a public debt steals upon the nation by degrees, imperceptible to the people; and the first signal of approaching danger is, depreciated Government paper, and public credit prostrated, with impending burdens and taxation in the rear.

MR. PORTER said: If I comprehend the fiscal situation of the Treasury, from the report of the Secretary, there would not, on the 1st of October, be sufficient available funds in the Department to pay the amount transferable to the States, by the deposit act, by one third.

Congress must, in that event, provide the funds, to enable the Treasury to make the deposit with the States; and, when that sum is provided, at the close of the year, unless further provision is made, the Treasury would be empty, and the operations of Government suspended. Not a dollar would be left to supply the mint, to meet contingencies, or the current expenses. Under this state of the Treasury, the question is presented, Is the nation bound by contract, express or implied, to deposit these nine millions with the States? If she is, a high sense of duty imperatively commands a fulfilment of the bargain. Nay, if the faith of the nation is pledged, so that it would be dishonorable to make a temporary postponement of the deposit, the pledge must be redeemed. That the deposit act created no obligatory compact with the States seems clear. The act of 1836 had two objects in view: 1st, to secure a safe depository for keeping the public money, under specific regulations by law. 2d. A large surplus had accumulated in the Treasury, not immediately wanted for the exigencies of the nation. It was to be so deposited, as, in the interim, to be used for the benefit of the people. The 18th section, after a reservation of five millions from the surplus, directed the remainder to be deposited with the States. What were the States to receive? The surplus remaining in the Treasury. If none remained, the proposed deposit never could be made. The measure would, in that result, have had no operation. This act did not, nor could it, prevent Congress, after its passage, and before the 1st of January, from appropriating part, or the whole amount in the Treasury for the support of the Government, the defence of the country, or its security and prosperity. A new era existed in the financial situation of the country. The national debt was extinguished—the Treasury overflowing. A rapid reduction of the revenue would have prostrated great and important interests, built upon the faith of previous legislation. What was to be done with the money? Objections of a serious nature arose to almost every plan proposed for its disposition. At last, the mode of making the States the depository was agreed upon. They were “to keep it safely, and repay it whenever required for the purpose of defraying the wants of the Treasury.” Do these terms partake of the character of a contract? Are they not the mere expression of a deposit for safe-keeping? No mutual equivalent exists; no *quid pro quo*, which constitutes the essence of a contract; no consideration on which an obligation can be founded. At what time was the contract consummated? At the passage of the act, at the period of legislative action by the several States, or on the report of the Secretary ascertaining the amount for distribution? The act was passed on the supposition that a surplus would, on a given day, be found in the Treasury. If the Secretary had ascertained that no surplus was there, at the period fixed, what claim would the States

have had on the nation to raise a surplus, and what amount of surplus would have been necessary to satisfy that claim? What an extraordinary and dangerous state of affairs is presented, if the time of deposit is not postponed—the United States laying, and collecting taxes, or borrowing money, to deposit, when collected, with the States! In my judgment, no power is granted by the constitution to Congress to draw money from the people for any such purpose. To deposit money for safe-keeping, is not to pay a debt, nor is it necessary for “the common defence.” If constitutional, its fatal and blighting operation upon our institutions might well be feared. To teach the State sovereignties to look up to the National Government as the great reservoir to supply them means of support, instead of a reliance upon the people, would inevitably destroy their independence, and introduce a system of extravagance and corruption which would speedily produce the ruin of the republic. The deposit act was a temporary expedient to meet an extraordinary crisis in the fiscal concerns of the country. The causes which gave it birth no longer exist. Postpone its operation until a similar occasion arises; then, according to the provisions of the act, let the surplus be deposited with the States. This will be doing justice to them, and redeeming honorably and fairly the hopes excited by the passage of the law.

Mr. Wise said he was in no sense prepared to discuss this bill; and were it not that he alone of the opposition voted, the vote was proverbially 43 *democrats* and *Wise!* against the distribution bill—distribution bill it was; and was there not a seeming inconsistency between the vote he then gave and the one he now should give against this measure, he would remain silent. But (said Mr. W.) I am peculiarly situated, and must explain my position. I shall vote against this bill to postpone the fourth instalment under the law of 1836; and, inasmuch as I voted against the law to create that instalment, I must explain.

What a change has “come over the spirit of our dream!” Sir, this all does seem like a dream to me. But yesterday—as it were, last week—we were debating and deliberating upon the great and solemn question, What shall be done with our immense surplus revenue? We were told by the President, by the party, by the press, that the nation was in a state of the most exuberant prosperity; that the Treasury was overflowing with millions, and countless streams of revenue were still pouring in from customs and from lands. We saw one of the strongest friends of the administration in the Senate (Mr. BENTON) proposing bills of appropriation for the most extended works of extravagant expenditure, and providing for the most magnificent outlay of a splendid Government. In two sessions of Congress we saw more than eighty millions appropriated by law, and we saw an opposition, jealous of Executive power, striving to curtail Executive patronage by put-

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ting a nominal surplus of more than thirty-seven millions out of the Executive hand? All this was but a year past—in June, 1836; and a year in the existence of a Government is but a day. What hear we, what see we now? What do we hear and see in September, 1837? Sir, we are now called together, at an unusual time, under the most extraordinary emergencies, by an official proclamation of distress—distress among the people, and distress in the affairs of Government! What are the recommendations of the President? What are the propositions of the Committee of Ways and Means? Yesterday, sir, yesterday there were sixteen millions of unexpended balances of appropriations for 1836, thirty-seven millions and a half of surplus, five millions reserve for contingencies, sixty millions or more in the Treasury; and now, sir, though the States have been paid but three instalments, though appropriations to the amount of fifteen millions have been suspended, we are told that the Treasury is bankrupt! Sir, look at the bills on your table. After all this prosperity, so soon after all this richness and superfluity of means, of a sudden we see a bill to postpone the fourth instalment to be paid the States; a bill to issue ten millions of inconvertible Treasury notes; a bill of bankruptcy proposed; a series of acts, like fishing nets, put out to draw in your small remnants of resources to replenish our exhausted coffers; a series of measures to rake together the small change of Government, which lies scattered in the places where the bulk of our treasures were supposed to be! How came this change? What means this immense and sudden vicissitude? What has produced this scene of loss and ruin and confusion? Sir, it may surprise some, it does not surprise me. It is exactly as I always thought it would be—it was all humbug. You never had the money; it was a delusion; the people were deceived and imposed upon. One reason why the Government opposed the deposit act was because it was sure, in the end, to expose the fact that we had all along been toppling on the giddy height of a delusive and false prosperity, ever verging upon an overwhelming catastrophe!

The catastrophe has come and overwhelmed us; we are now bankrupt, and we are asked to take back this gift we made to the States in the moment of our delusion and folly; to postpone the fourth instalment until further provision by law. I will not vote to do it. I will vote against this bill for the same reason, the very same reason I voted against the deposit act itself.

This bill is, as was that, in fraud of legislation. I will say it boldly, that every word said by the young gentleman from Kentucky (Mr. MENESEE) is true. That act was a distribution bill, not a deposit act, and so understood by most who voted for it. It was openly advocated as a distribution bill, and opposed by me on this floor as a distribution bill. By the leaders, at least, of parties, it was never intended as any thing else than as a distribution bill,

and they never expected that a dollar deposited with the States would ever be returned to the General Government. It was a disguised measure, and therefore I opposed it. It said one thing, and meant another; it was a deposit bill on its face, and a distribution bill in the intention of its legislators.

It is true the great question was, What shall be done with the surplus revenue? It was a great source of corruption; most of the opposition feared that so great a money power left with a corrupt Executive would enslave us; the plans to dispose of it were numerous, almost infinite; there was a great and irreconcilable diversity of opinion among most of us; the land bill had failed. It was at such a moment when I, as well as many others, began to be willing to dispose of it in almost any way, to take it from the hands of power and its parasites—hands which seemed to grasp it with an iron hold—it was then, I say, I saw that truly gallant and great man, who is always wide awake, and always knows when to strike for his policy, who has always been consistent and constant in one line of policy, HENRY CLAY, who, if he be the father of the American system, has ever supported it with a master hand. I saw him convert the word distribution into deposit, and the public money into the public lands. I saw him bring forth that deposit act, and though oft baffled, though comparatively weak in the numbers of his party, clearly in a minority, yet it seems impossible to resist him; he will be felt, will be heard. I saw him carry his measure, in spite of all, successfully, triumphantly! He carried the substitute for his land bill in a way most surprising to me. I saw the State rights men, of the strongest calibre, carried along with him, and aiding in the support and success of the distribution bill.

Sir, I regarded that bill as the very acme of the American system. I was astonished to see how the strait-jacket politicians were caught by it. Every effort was made to obtain my vote for it; some of my State rights friends endeavored most strenuously to prevail on me not to vote against it. No, I told them they were exceeding the most ultra-latitudinarians; I could not vote for it; it was unconstitutional.

What have been the consequences of passing that bill? The States of the Union have taken the money as their own. They have taken it just as the Secretary of the Treasury told the deposit banks to take what was deposited with them as their own—for loan, for use, for trade, for commerce. They have appropriated, used, and expended what has been given them, and have entirely anticipated the amount of the fourth instalment, yet to be paid them.

The proposition for this measure came from no State in the Union. You gratuitously passed a law giving them this money; and you have, by your own action here, unsought and uncalled for, induced them to incur large expenditures and heavy contracts. If you have

not made strictly a contract with them, you have, wisely or unwisely, caused them to make contracts with others. Your gratuitous promises have caused them to enter into solemn obligations, which they must keep in good faith, though you fail to keep your faith and to enable them to comply with their obligations. The case is submitted to me as a chancellor. A father promises to advance his son; the son, on the faith of the promise, makes a purchase. Shall the father not comply? Yes, sir, so saith equity; and so I say. I will not put the States, by my vote, to the least inconvenience, even on account of promises gratuitously made by the General Government, and on the faith of which the States have proceeded to act or contract. Although I do not consider this a contract between the General Government and States, yet, sir, I am for decreeing, under the circumstances, for the States to take the money.

I have said I shall vote against this bill to postpone, because it is just like the bill it means in part to repeal. It provides that the fourth instalment shall be postponed until further provision by law. Now, sir, does any gentleman who will vote for this bill intend that the States shall ever receive or be paid this fourth instalment? No, he does not. By the word "postpone," you mean the word "repeal." You either mean to repeal, or you do not. If you do, why not say so? Why say one thing and mean another? If the bill means to repeal, it means to do so fraudulently, and therefore I cannot vote for it. If it means what it says, to postpone until further provision by law, it means still further to pledge the faith of this Government to distribute this portion of the fourth instalment—a measure to which I was always opposed, and therefore I cannot vote for it in either aspect. If you have never before committed yourselves to pay this money, you will have done so by this bill. Do you not plight the faith of the nation hereafter to distribute this amount? Postpone is not the right word for a measure of repeal; and to postpone until further provision by law, is to say you will at some time do what I was never willing should be done at any time.

But I have other objections. This bill is in aid of the sub-Treasury scheme, and it tends to put the State banks, which hold the balance of surplus revenue, into the power of an administration whose policy is to discredit and to destroy them.

Sir, let me ask those who call themselves Conservatives, especially, how they can vote for a bill which everybody understands as a part of an entire system of warfare against the local institutions of the country? Every bill on your table tends to this one great point; to make all banks odious and insolvent; to put the screws upon them, and to check them up with the reins and stiff-bits of Government. These bills are all mere precursors of a Treasury bank, which can only be made tolerable in the

public mind by making every other sort of bank intolerable. Credit must be destroyed to destroy the credit system. Is not this plain? Is it not obvious that this locofoco administration is courting the people and taunting the opposition to force upon it either a national bank or a Treasury bank? What is a Treasury bank, but a national, a United States bank, in its really odious form? Have we not the clearest evidence that an unrelenting war is commenced against the State banks—Jackson *duces*? Has not the "Greatest and Best" denounced them even with more venom than he ever denounced the great monster and Old Nick himself? Has he not denounced the local bank system of deposit as the most base and perfidious? And, sir, if any link in the chain is stronger than another to bind the local banks to the car of the Federal Executive, it is this bill. The gentleman from Kentucky (Mr. CHAMBERS) has, by a very able speech, relieved me from the trouble of demonstrating this. But he will not publish his speeches, though he delivers among the ablest we hear in Congress. I require of him to publish that speech, and I here rebuke him for not publishing others. He has demonstrated, sir, that this bill will call on the banks, and the banks will call on the people, for more than seventeen millions of specie. The banks are to be made to groan and call out in their distress upon the Executive for relief. Sir, I should think we would all remember other evidences of enmity from a certain quarter to the local banks: the evidence has not all been published. The chairman of the Committee of Ways and Means, (Mr. CAMBRELENG,) we are told by the newspapers, wrote to a friend in Albany that they then had the banks "on the hip." Now, sir, that is an old Virginian phrase in wrestling, and I tell the Conservatives that if they do not "mind their eyes," the deposit and local banks will all be "cross-hopped" and laid flat on their backs!

[Mr. CAMBRELENG here interposed, and made some remarks to the effect that he was glad his letter had been alluded to, and that he was thus afforded an opportunity to publish it. He said a copy was at the service of the gentleman from Virginia, and he would be happy if the gentleman would publish it.]

Mr. WISE continued. Sir, I do not pretend to be certain of the contents of that letter. I will not say it will be found to contain the expression "we have 'em on the hip," but I will risk its publication. Where there was so much smoke, there must have been some fire. It made, as it was said, Governor Marcy mad, and, at all events, will be found, I expect, to exult highly in the probable triumph of locofoco principles and events over sound credit and currency.

[Mr. CAMBRELENG. If he had thought there was any thing worthy of publication in the letter, he would have published it. Governor Marcy condemned the suspension of specie pay-

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ments. But I never went so far as the gentleman from Massachusetts; why don't you wage war on him?]

Mr. WISE. Sir, I mean the Flagg letter. Let there be no tricks—give me the real letter. I'll publish it, and risk the advantage the gentleman has of furnishing me with whatever letter he pleases.* If it be not found to contain the old Virginia wrestling phrase, I think it will be found to declare war, relentless and savage, against the local banks. Now, be it distinctly understood that I am no advocate of the deposit banks, or the State banks generally. I opposed the deposit pet bank system as inefficient and corrupt. I have been engaged the last two years in exposing its vices. I cannot bring my mind to choose between the pet bank system and the sub-Treasury. I am a friend to neither, and I shall oppose both; but I cannot consent to aid the Executive of the Federal Government in waging an exterminating war against the institutions of the States of the Union. I deprecate an alliance of State banks with this central power, no more than I do an executive war upon them. The rights of the States and the interests of the people of the States are too intimately blended with these institutions for me to consent, either that they shall be corrupted and used for political purposes, or be prostrated and crushed by the General Government. They now have ceased to be "pets." Some gentlemen seem goaded by that appellation of them now, and I am not willing that they shall become victims, like almost all our institutions, to be sacrificed at the shrine of an overweening federal power, which now, more than ever, darkens the land. The funds now in the deposit banks are not to be transferred to the States. The banks are not to be left to the mercy of their creators, but they are to be ground down by the tender mercies of this administration, which brought them to the very condition which is now calculated to render them odious, and to furnish the pretext for oppressing them and their debtors. Whose interest is it now to show that they have been "base and perfidious?" Sir, I wish that my honorable colleague (Mr. GARLAND) was here. I would remonstrate with him, as a true conservative, against his remarks

in favor of this bill. This is not a conservative, but a locofoco—a destructive measure. Sir, we are told that the funds in the deposit banks are not available. If they are not available to the General Government, they may be available to the States. And, if not available, why should they be withheld from the States when they cannot avail the wants of the Treasury? The local banks can pay the States, whilst they cannot pay the General Government. The States, wherein they are located, will take their notes. With their local currency they can pay the laborers on the works for which they have contracted on the faith of this deposit.

Truly, truly, it may be said, sir, that the evil which General Jackson did lives after him. He was the most fortunate man that God ever permitted to riot in success, and to triumph over much that was good! He warred without ceasing against the Bank of the United States; he rendered it an odious monster, and killed it in the confidence of men; yet all the time that he was in power, and wielding that power against that institution, it was fructifying the nation, sustaining exchange, maintaining credit, a sound currency, regulating, in a measure, excessive bank issues, meting out to labor its reward, insuring confidence in trade, keeping prices steady and advancing, and in every way warding off the evil day until after General Jackson's term of office expired. His monster lived to keep him and his power and popularity alive, until it was too late to rebuke him for the mischiefs we now endure. It gave us a seeming prosperity which was all ascribed to General Jackson, and verily his enemy was made to praise him. Sir, it was the most signal instance of good fortune in his whole life, that the bank continued in existence until within one year of the expiration of his reign, and that the effects of its death could not be felt until one year after the expiration of its charter, and one day after his political career ceased! It was wonderful the coincidence of events. No one thought that disorder would so soon arrive; it waited not a moment after Jackson ceased to be President. You may look through his whole life, I say—to the cock-pit, the horse-race scenes, to his hair-breadth 'scapes in war, and to his glorious victories—and not find a parallel instance of good luck with this. We were told that the bank would fall like the oak in the forest, crushing every tender shrub in reach of its giant trunk and branches. Not so; it died, like a good man, quietly, and almost in silent prayer. The earth shook not at its fall; and yet in one year from that event the credit of the Government and the trade of the people are crushed. Sir, when it died, the arterial blood dried up; its bills of exchange, which it kept at the lowest rate in market, were that blood; it circulated in the great arteries between the exporting and importing points, between north-east and south-west, New York and New Orleans. The bank was your importing and exporting agent; the artery of internal ex-

* The letter was produced by Mr. Cambreleng, and read as follows:

"NEW YORK, May 10, 1837.

"MY DEAR SIR: I have just learned that some of our friends (I heard the Bank Commissioners named) were to go to Albany this afternoon, to get the Legislature to suspend or repeal that part of our bank law relating to the suspension of specie payments. Such a measure, it seems to me, would be bad in every point of view. The bank party have inflicted upon themselves as a party a fatal blow, and have established a commercial precedent, which, if sanctioned in any manner by the Legislature, will lead to a suspension of specie payments at the commencement of every pressure, which would be very different in its effects from that which has now occurred, after credit, prices, banking, and every kind of trade are reduced so low that our city bank paper and specie are nearly on a par for all the purposes of trade.

"Very truly yours,

"C. C. CAMBRELENG.

"A. C. FLAGG, Esq."

change was cut, and the nation now lies bleeding to death! None of this happened, because it could not, until after Jackson ceased to reign. Now, oh! ye, the people, contrast the "last annual Message of the chief, and his farewell address," with the first extraordinary Message of his successor! Sir, the administration either knew of all these results which we have witnessed, so ruinous and disastrous, or they did not. They may take which horn of the dilemma they choose. If they did not see the operation of causes and the coming of events almost touching their noses—events which were predicted for years; events which have followed so suddenly upon their boasts of prosperity; upon times when the administration party was for voting away millions for every species of extravagance; upon times when, instead of withholding appropriations, they were making the most numerous and extensive Government contracts, contracting away millions in a month;—I will not be harsh; I will not say if they did not know and did not consider, they must have been fools; or, if they saw and knew what was coming, and they did not warn the people, they must be knaves. A friend, the other day, said he would put both horns upon them, and make the beast complete! I will not say they must be both knaves and fools; but I do say there has been most shameful, wilful, blind, and gross mismanagement, and mal-administration; and if there be no hope of reform, all hope of preserving the Government and its freedom and purity must cease! Their great panacea, their deposit bank system, has signally, wofully failed. It was recommended and defended but yesterday as the best substitute for the Bank of the United States; it was to supply exchange, and perform every financial and commercial function; and we have seen, in a day, in what it has resulted. They now recommend another sovereign remedy, another king-cure-all, a sub-Treasury system. Are they to be confided in? Are they and their plan not to be distrusted? Are the people not sick of experiments? But, sir, this part of the discussion I must reserve for the time when the sub-Treasury system comes up; though I do not believe it will ever be presented, in good faith, to the decision and action of this House.

THURSDAY, September 28.

Fourth Instalment Bill.

The House resumed the consideration of the "bill to postpone the fourth instalment of deposits with the States."

Mr. CUSHMAN remarked that this question had long been very considerably and very fully discussed, and, he believed, to the satisfaction of every gentleman of the House. He believed that any further discussion of it would be entirely useless, and the House was worn down with the debate. Still, he confessed, he should

be very happy if the House would then pass upon the several amendments submitted in Committee of the Whole, if it could be done without further delay. He rose for the purpose of asking whether it was not the sense of the House that the discussion had been carried as far as it ought to be? whether the subject had not been fully and fairly debated—sufficiently debated? In the full belief that it had, it was his intention to call for the previous question; but although he had risen for that purpose, he would make this proposition. If it meets the general approbation of the House to close the debate, I should be willing to have the vote taken upon every amendment, and give the movers of them an opportunity of calling for the yeas and nays on each. For the purpose, however, of testing the sense of the House to bring this discussion to a close, I move the previous question.

The demand for the previous question was seconded—yeas 107, nays 78.

Mr. REED called for the yeas and nays on the question, "Shall the main question be now put?" which were ordered, and were—yeas 123, nays 102.

So the House determined that the main question be now put.

The main question, being on ordering the bill to a third reading, recurring—

Mr. BRIGGS asked for the yeas and nays thereon; which were ordered, and were—

YEAS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, T. J. Carter, Chaney, Chapman, Ciley, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, I. Fletcher, Foster, Fry, Gallup, Gholson, Glascock, Grantland, Grant, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, William H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, John W. Jones, Kemble, Kilgore, Klingsmith, Legare, Leadbetter, Lewis, Logan, Arphaxed Loomis, Lyon, James M. Mason, Martin, McKay, Robt. McClellan, A. McClellan, McClure, McKim, Miller, Moore, Morgan, Samuel, W. Morris, Muhlenberg, Murray, Noble, Owens, Palmer, Parker, Parmenter, Patton, Paynter, Pennybacker, Petriklin, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Reilly, Richardson, Rives, Sawyer, Sheffer, Sheplor, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, Yell—119.

NAYS.—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Ayerrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, W. B. Campbell, John Campbell, W. B. Carter, Casey, Chambers, Cheatham, Childs, Clowney, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, W. Graham, Graves, Gray, Grennell, Griffin, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Jenifer, H. Johnson, W. C. Johnson, Lin-

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coln, Andrew W. Loomis, Mallory, Martin, Samson, Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Montgomery, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Rhett, Ridgway, Robertson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Smith, Snyder, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Yorke—117.

So the bill was ordered to a third reading.

Mr. PICKENS, having voted in the majority, moved to reconsider the above vote; which motion lies over for to-morrow. Mr. P. then gave notice that he should then submit his amendment.

FRIDAY, September 29.

Fourth Instalment Bill.

The House took up the "bill to postpone the fourth instalment of deposit with the States." The question pending was the motion of Mr. PICKENS to reconsider the vote by which it had been ordered to a third reading last night.

Mr. PICKENS said it was not his desire to occupy the attention of the House for any length of time, for he was perfectly certain that its patience must be exhausted by the discussion that had already taken place. I desire (said he) to reconsider the vote, because every gentleman must be aware that, under the peculiar and technical operations of the previous question, a majority of this House had not been brought to vote upon the amendment proposed. Sir, I consider the amendment which I had the honor to propose, as important, both in principle and in policy. I desire the House to be brought to a distinct vote upon that amendment, and it is with that view I moved to reconsider the vote ordering this bill to a third reading; and, in presenting that, I beg gentlemen to reflect upon the course which they are disposed to pursue.

Mr. Speaker, the provisions of that act—the deposit act of 1836, I mean, are peculiar. They give, in certain contingencies, power to the Secretary of the Treasury to call back the three instalments already distributed, under certain limitations. Sir, it is a power which you yourself, by the very act which you desire to enforce, by refusing to pass this bill, place in the hands of the Secretary of the Treasury. What will be the result, then, of defeating this bill? Why, that you leave it a claim upon the Treasury, and that, by solemn discussion and solemn vote rejecting this bill, you make it the imperative duty of the Secretary to execute the deposit act to its very letter.

Now, sir, look at the proposition. It says the Treasury is embarrassed; that it is reduced, and that it will want funds: then how will the deposit act be executed? Why, the Secretary

must, of necessity, call upon the States for the three instalments already made. But suppose, as gentlemen say, that the Treasury is full, and that there are ample funds in its hands. If this be true, what a spectacle will be presented to the American people? That your Secretary of the Treasury, your authorized officer, has presented a set of statements to this House and to the country which are utterly false! Can any administration stand under the scorn and indignation this would produce amongst an outraged people, when Congress meets in December, and finds his statements a thorough delusion! But I doubt it, sir. It is my sincere impression that the Treasury is embarrassed, and that if you reject the bill on your table, you place not only the States and the Treasuries of the States, but the State banks also, which gentlemen wish to protect, at the mercy and under the control of the Secretary. Now, sir, I put this to gentlemen: are they prepared to see this deposit act executed to its letter, and especially under the existing pressure? Are they prepared to pay back the three instalments? Under this specific provision of that act, I know the course the Treasury will pursue—or, at least, what I believe it will pursue. It is this: That it will, if the fourth instalment be paid over at all, throw the expenses of this Government upon the States, by drawing upon them for the three other instalments; and the inevitable result will be, that you compel the Treasury to rely upon the States to support and sustain the General Government. This will produce more pressure than will be produced by the suspension of the act of 1836, or than could possibly be by withholding the fourth instalment. Let gentlemen from the West look at this. The deposit banks of Alabama, Mississippi, Louisiana, Kentucky, Indiana, and Ohio have, at this time, nearly seven millions of dollars on deposit out of the nine and a half required to pay the fourth instalment. What will be the result? You will compel the Secretary of the Treasury to call upon those banks to pay up, so as to enable him to execute that payment. Look at Ohio, having more now than she is entitled to under the fourth payment. Do you suppose the paper of the Ohio banks, though perfectly good and current in that State between man and man, will be received at par in Pennsylvania, which is to draw a million? Or do you suppose the funds of Alabama banks will be taken by Georgia for her instalment, when perhaps they are from ten to fifteen per cent. below par there, and then pledge its faith to refund—in what? in specie, or in available funds equivalent to specie, to this Government? Would this be a sound financial operation on the part of Georgia, or would her Government assent to it?

Again, sir, suppose this bill be not passed, what will be another result? That you call upon the Secretary of the Treasury to enforce the law, or distribute the fourth instalment, and where are the means you put in his con-

trol? Do you not see that, under such an operation, you inevitably compel him to execute the law to the letter, and that, to do so, he must draw contributions from the States to distribute back to them? Is this sound policy?

Now, sir, look at the Treasury note bill. Will it relieve the Treasury from embarrassments? If that bill should pass the House in its present form, as passed by the Senate, paying interest on its notes, what will be the result? Why, the moment you throw them out, they will be taken up by capitalists, as the very best investment, as stock, under existing circumstances. There are, at this time, millions of capital lying idle in the vaults of banks, watching the operations of this Government, and ready to take stock in a bank of the United States, if such an institution should be created. Yes, sir; these very capitalists, the moment you throw out your ten millions of Treasury notes bearing interest, will seize upon them, and, instead of serving for a circulation, they will be invested as stock. It will only then afford temporary relief, and the final effect will be, to all intents and purposes, to create a debt. How are the notes, with interest, to be redeemed? By taxation, sir. And are we prepared to incur that debt? Now, if you throw into circulation ten millions of certificates, receivable only for public dues not bearing interest—(but I much question whether you will ever get a majority in this House to pass such a bill as that, for the simple fact that, the moment the Government throws into circulation such bills as that, the notes of the Bank of the United States of Pennsylvania will be excluded to that extent from circulation in the South-west, where they have been at five and ten per cent.)—I say, if you throw into circulation such certificates, their circulation would spread through the country, and might relieve the present embarrassment, and could be redeemed in future dues. But there is an interest struggling against this—the banking interest of the country.

Now, sir, some gentlemen suppose the notes I have referred to will fall below par. How can that be? If they be receivable for the revenues of the Government, and no more be issued than enough to pay those revenues, they will be above par, or, at least, equal to gold and silver. Nothing can depreciate them but an issue beyond the amount of the revenue of the country, and it is even questionable if that would. But, sir, can we pass such a bill as that, viz: without interest, and throw no more into circulation than the amount necessary for the public dues? It is very doubtful whether this House would.

But throw out \$10,000,000 of notes, bearing interest, and at the end of the year the Government will be called on to redeem them, or they will run on at interest, thus creating a debt in its most odious and objectionable form. Capitalists in stock are deeply interested in such an issue. Whatever this Government makes receivable in dues, is, to all intents and purposes,

money, and such a circulation, limited to the amount of expenditures, would be equivalent to gold and silver, and relieve the commercial community in collections of customs. It would, in fact, be a currency resting upon the credit of Government. And this is all the Government could do, even though a bank endorse the notes or loan its credit.

Now, sir, I repeat, we are not prepared for the state of things that will ensue upon the rejection of this bill. You will press upon the Secretary of the Treasury, and compel him to execute that fourth instalment, and the result will inevitably be that you compel this Government to create a debt, which debt you are bound to pay in the revenues of the country; and how these revenues are collected we all too well know.

Who receives the distribution? Do you distribute it according to the payment of taxes? Many suppose that we consume according to population, and pay taxes according to consumption. If this be true, we do not receive our proper distribution, for two-fifths of a certain class of our population, under our representation, will be excluded. Are gentlemen prepared to carry out this system permanently, or create a debt by distributing this instalment?

Mr. Speaker, the view I had in introducing the amendment was, that if there be any surplus remaining in 1839, then let it be deposited; and I thought at the time, and still think, it would meet the assent of a majority of the House. The tendency of this would be to produce economy in the appropriations for next year, under the hope of receiving the deposit then. Upon all the other questions presented by gentlemen in this debate, discursory as they were in their character, "*de omnibus rebus et quibusdam aliis*," I desire to reserve myself for the great bill—for I call that the great measure of the session—the divorce bill I mean. That bill I hold myself prepared to defend, and I fear no consequences.

[A further debate now took place in which Messrs. Cambreleng, Waddy Thompson, Gray of New York, Loomis, Toucey, and Lyon, were the speakers; when,]

Mr. CAMBRELENG moved the previous question.

The motion was seconded.

The previous question was then put and carried; and the main question being on reconsideration—

The yeas and nays were taken—yeas 149, nays 81.

So the House resolved to reconsider the vote by which the bill had been ordered to a third reading.

Mr. PICKENS moved his amendment to limit the postponement to the 1st of January, 1839.

Mr. WILLIAMS, of North Carolina, moved to lay the bill and amendments on the table, and demanded the yeas and nays; which were or-

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dered, and stood—yeas 101, nays 132. Negatived.

The question being on Mr. HAYNES' amendment to the amendment of Mr. PICKENS,

Mr. BELL, after an animated speech, submitted a motion, to recommit the bill and amendments to the Committee of the Whole on the state of the Union, with instructions to report the following as a substitute for the bill:

"That the payment of the fourth instalment required to be deposited with the States, by the act of the 23d of June, 1836, be postponed until the 1st day of October, 1840; and that moneys to that amount, now in deposit to the credit of the Treasurer, and other public officers, in any of the deposit banks, be, and the same are hereby, appropriated for the payment of the same.

"Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, as soon as may be after the 1st day of October next, to proceed to tender and transfer to the several States his drafts or orders to pay their respective portions of said moneys; and that it shall be lawful for any State, which may be willing to accept such drafts or transfers in payment of its proportion of said instalment, according to the terms of said act of the 23d of June, 1836, to receive the same; provided, nevertheless, that any bank or banks upon which such transfers or drafts shall issue, upon the condition of paying to the States holding the same interest at the rate of five per cent. per annum quarterly, shall be required to pay the principal only in the following instalments, to wit: one-third on the 1st of October, 1838; one-third on the 1st of October, 1839; and the remainder on the 1st day of October, 1840."

Mr. CAMBRELENG hoped the House would reject the motion, and pass the bill this night.

The question was then taken on the motion to commit, and decided in the negative—yeas 64, nays 149.

The question was then taken on the amendment of Mr. PICKENS, and decided in the affirmative—yeas 130, nays 99.

Mr. REED called for the yeas and nays on the main question, (which was on ordering the bill to a third reading,) which were ordered, and were:

YEAS.—Messrs. Anderson, Andrews, Atherton, Beatty, Birne, Bicknell, Birdsall, Borden, Brodhead, Bronson, Bruyn, Buchanan, Cambreleng, J. Campbell, T. J. Carter, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Clowney, Coles, Connor, Craig, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, Gholson, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Logan, A. Loomis, Lyon, J. M. Mason, Martin, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Owens, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Sawyer, Sheffer, Sheplor, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns Vail,

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Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, and Yell—118.

NAYS.—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayerigg, Bell, Biddle, Bond, Bouldin, Briggs, W. B. Calhoun, J. Calhoun, W. B. Campbell, W. B. Carter, Casey, Chambers, Cheatham, Childs, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Dèberry, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, Goode, J. Graham, W. Graham, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Jenifer, H. Johnson, W. C. Johnson, Lincoln, A. W. Loomis, Mallory, Marvin, S. Mason, Maxwell, McKennan, Menefee, Mercer, Milligan, M. Morris, C. Morris, Naylor, Noyes, Ogile, Patterson, Pearce, Peck, Phillips, Pope, Potts, Rariden, Reed, Rencher, Ridgway, Rives, Robertson, Rumsey, Russell, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Smith, Snyder, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, and Yorke—106.

So the bill was ordered to a third reading at this time.

Mr. RICE GARLAND moved to postpone the further consideration of the bill until Tuesday next.

Mr. McKIM then moved the previous question, which was seconded; and the main question having been ordered, the bill was read a third time, and passed.

SATURDAY, September 30.

Treasury Note Bill.

The House went into Committee of the Whole, (Mr. CONNOR in the chair,) and took up the bill from the Senate authorizing the issue of Treasury notes.

Mr. BELL said he had been waiting for some who, he understood, were prepared to contest the constitutional right of the Senate to send to the House a bill of this description. It was a money bill: and, by the constitution, all such bills must originate in the House. The proper course would be, first to take a vote on that question. If his friend from Massachusetts was desirous of addressing the House on that question, Mr. B. would not now proceed with any remarks on the bill.

Mr. ADAMS said that in his own opinion the matter admitted of no question at all. If ever there was a money bill, this was one. But he should make no motion, because he knew perfectly well if he did, the previous question would be called, and the motion voted down. If, however, the gentleman from Tennessee (Mr. BELL) was disposed to go into the discussion, he should have Mr. A.'s most cordial support. This House had too long suffered the other branch of the Legislature to dictate to it every measure relating to revenue. For the last five years not one of all the measures of that character had originated in that House.

Mr. HAYNES said it was now too late to raise an objection of this kind: the House had re-

ceived the bill, and referred it; and it had been reported on. If such an objection did exist, this was not the place to make it.

Mr. WISE was astonished to hear such language from the gentleman from Georgia. Did not that gentleman know that at every step, in any, even the last stage of a bill, when it had received its third reading, if the House discovered a constitutional objection to lie against its passage, it was never too late to bring it forward? It never could be too late for the House to receive an objection to doing that which it had no power to do. It never could waive a constitutional objection on the ground of laches. He moved that the committee rise, and report that a bill like this could not constitutionally originate in the Senate. Thus, in the House, that report might be adopted, and the bill sent back to the Senate, with a message declaring that the House could not act upon the bill.

Mr. CAMBRELENG hoped the committee would not rise. This bill did not propose the levying of a tax; it was a mere anticipation of the receipt of revenue. The compromise act of 1833 had been sent from the Senate (when that body was differently constituted in a political point of view) to the House, although it proposed an increase of taxes, in some cases amounting to 45 per cent. The present bill created no public debt; it merely anticipated means which were ample. Congress had been convened to meet an emergency; and it had so happened that the Senate's Committee on Finance had been constituted four days sooner than that of the House, and hence the Senate's bill had come earlier than that of the House. No constitutional objection had been urged in the Senate; but here, at this late hour, a constitutional question was to be raised and discussed, when the House had arrived at the 1st day of October, and the Treasury was in such a condition that the specie could not be obtained for a little draft of \$811. He hoped the House would proceed with the bill.

Mr. MERCER was astonished at the position taken by the chairman of the Committee of Ways and Means. It was not a fact that the compromise bill had originated in the Senate; it had originated in this House.

Mr. CAMBRELENG said, to avoid all difficulty, he would move to pass by the Senate's bill and take up that of the House.

Mr. ROBERTSON contended that the House could not thus pass over the greatest breach of its privileges which had ever been perpetrated. He could not understand how the gentleman could be so insensible to the indignity thus cast on the House. Should they continue to take bills raising millions on millions, at the dictation of the Senate or the President, when the constitution plainly forbade it?

A dispute on order arose, attended for a time with some confusion; but it issued in taking up the House bill, as moved by Mr. CAMBRELENG.

Mr. CAMBRELENG then submitted a statement of the assets and liabilities of the Treasury.

Mr. CAMBRELENG alluded to the fact, that there were seven or eight millions of outstanding appropriations at the end of every year, which might be considered permanently outstanding. It would thus appear that our money and resources probably amount to twenty-four millions and a half. We were not called upon to authorize a loan or to create a public debt. There was no occasion for a stock, however desirable it might be for investment or for remittance to Europe. All that was now proposed, was to anticipate our actual resources by an issue of Treasury notes. The material question was, whether the notes should bear interest or not. In the present extraordinary condition of the country, he should think notes without interest an important auxiliary to aid in the collection of the revenue, and in relieving our internal circulation. He believed it quite as important to adjust the balance between the south-western and north-western portions of the country, as it was to pay off our foreign debt. If there was a current revenue coming into the Treasury, such an issue might be safely made and sustained in circulation, and would not, like the small notes issued in 1815, interfere with the currency. Gentlemen denounced notes of this description as paper money: they perform the office of exchange, and not of currency, and at the same time were convenient for making payments into the Treasury, and for our public expenditures. The currency of France, with her four hundred and fifty millions of gold and silver, had not been disturbed by the issues by the Bank of France of notes of about a similar denomination. The demands of commerce alone will not, however, sustain Treasury notes, without interest, in circulation. We must also be in receipt of a current revenue. Since the extension of time to the merchants and the banks, all the payments into the Treasury were thrown into the next year, and for some months very little would be coming into the Treasury. Under such circumstances, there was reason to fear that the notes would be depreciated. He had, therefore, adopted the principle of the Senate's bill, allowing an interest. He was not in favor of issuing Treasury notes now, or at any time, whether with or without interest; but, although our resources are ample, we are compelled to anticipate them, in order to give indulgence to the debtors of Government. In relieving them, and giving means to the Treasury, it is fortunate that we can afford to the south-west a medium of remittance, and, at the same time, aid the merchants on the Atlantic to pay off their foreign debt. It was the prospect of this issue of ten millions of Treasury notes which had already considerably reduced the price of specie. Mr. C. then moved an amendment to the bill, by proposing substantially the provisions of the Senate's bill, authorizing an issue of Treasury notes, bearing interest not exceeding six per cent.

Mr. RHETT addressed the Chair as follows:

OCTOBER, 1837.]

Mississippi Election.

[H. OF R.]

Mr. Chairman: I shall follow the suggestion made by the chairman of the Committee of Ways and Means, and consider all the bills upon your table as constituting one system, although contained in different bills. To the bill authorizing the Treasurer to issue Treasury notes, I shall propose, as amendments, that these notes shall bear no interest; and that the Secretary be authorized to issue another kind of paper—bills receivable in payment of the public dues. When the bill regulating the depositories of the public money shall come up for consideration, I shall also move the amendment I send to the Chair, providing for a gradual dissolution of all connection between the Government and the banks; dispensing entirely, in the course of three years, with the use or reception of their paper; and using them only for the safe-keeping of the public money by special deposits. By these amendments, the Government will have the option of issuing either Treasury notes bearing no interest, or bills receivable in payment of the public dues—the Government will be separated from the banks—the public moneys be kept in the banks on special deposit—and the revenue be collected either in Government paper or specie. There is but one other alternative before the committee to this system in this shape, or by other modifications, and that is the project of the gentleman from Virginia, (Mr. GARLAND,) to reunite the Government to the State banks—receive their paper in payment of the public dues—and make them, as heretofore, the general depositories of the money of the country. These are the two projects for consideration.

If, sir, we are to have Treasury notes, I prefer that they should not bear interest. In issuing these notes, it is not our object simply to raise money, or to pay debts; but, in the paralytic state of the country, we want a medium in which the revenues of the country can be easily collected, and domestic exchanges be carried on without embarrassment to the banks. If these notes bear interest, their circulation will be impeded, if not stopped entirely; they will be retained on hand as investments. Nor, sir, do I think the objection that if they do not bear interest they will fall below par, is well founded. Although they cannot be employed like specie in paying debts abroad, they will answer a function which specie cannot perform in carrying on the exchanges of the country. This peculiarity of usefulness, in the present situation of the country, will more than counterbalance any other advantages which either bank notes or specie may possess over them, as a medium of circulation.

But, sir, I prefer, to Treasury notes in any shape, the medium I propose—bills receivable in payment of the public dues. A Treasury note is a promise to pay, for the redemption of which specie must be collected and reserved. A bill receivable in payment of the public dues, is merely a promise to receive, and has its promise fulfilled when received; the one re-

quires the abstraction of a large amount of specie from circulation—the other not only abstracts no specie from circulation, but will actually be equivalent to an additional supply of specie to the amount of the issue. The one may bring the Government in collision with the banks in the delicate position in which they will be placed when they resume specie payments—the other will give the Government the means of collecting its revenue without intrenching in the least upon the resources of the banks. The one is intended as a temporary expedient: it is a debt, and the debt must soon be paid; the other is merely an instrument of collection, and can be kept out forever, and be expanded or contracted as the wants of the country for the purposes of exchange and collection may require. For these reasons, I prefer, to Treasury notes, bills receivable in payment of the public dues.

Mr. CAMBRELENG said he did not hold himself responsible for the very extraordinary delay in the passage of the bill to postpone the fourth instalment which passed last night. But gentlemen would not drive him from the course he had taken in bringing these bills before the House. The first object of the Committee of Ways and Means was to bring the bill to postpone the fourth instalment before the House, and have it acted upon. Their next object was to supply the deficiency in the Treasury to enable it to go on with its disbursements; and with great deference to the gentleman from Tennessee, (Mr. BELL,) who had become very lately the advocate of the merchants, he must say, that he must provide for the wants of the Government before he did any thing else. We have been told but yesterday by the gentleman from Pennsylvania, (Mr. SERGEANT,) and it was repeated again to-day, that he could not obtain, for a friend of his, the payment of a draft for \$811. He would not budge from the position he had taken, and he felt very confident that this committee would not do so. Gentlemen understood this question perfectly. It was simply whether Congress would authorize the issue of Treasury notes with or without interest. The bill was printed in various forms, both in this House and the Senate; and gentlemen would make up their minds on the subject as well now as a month hence.

Mr. BELL made a few remarks in explanation, contending that the course he had suggested before was the proper course now to be pursued.

On motion of Mr. PICKENS, the amendments to the bill were ordered to be printed.

TUESDAY, October 3.

Mississippi Election.

The House resumed the consideration of the report of the Committee of Elections.

Mr. ADAMS said: Mr. Speaker, differing essentially in opinion as I do from that of the gentleman who has just taken his seat, (Mr.

LOOMIS,) and from the report of the majority of the Committee of Elections, with regard to the limitation in the writ of election, I am constrained again, though very unwillingly, to address the House on this question. Not on the question whether a vacancy had happened in the representation of the people of Mississippi in this House, because upon that point you have understood, from the observations which I submitted to the House this morning, my opinions concur with those contained in the report of the committee. But the question affecting the right of the members from Mississippi to seats on this floor, is not whether a vacancy in the representation of the State had happened, but what the vacancy was, and how that vacancy was to be filled.

Now the vacancy was of two seats in this House of members from the State of Mississippi for the twenty-fifth Congress of the United States, which twenty-fifth Congress commenced on the 4th of March last, and is to continue till the 4th of March, 1839. That is the 25th Congress of the United States, and that was the vacancy in the representation of the people of the State of Mississippi; and so it is understood by the majority of the Committee of Elections, who have reported the resolution, that MESSRS. CLAIBORNE and GHOLSON have been duly elected members of the 25th Congress.

But have they been so elected? The Constitution of the United States provides that "the House of Representatives shall be composed of members chosen every second year by the people of the several States." The term for which they are chosen is two years.

The constitution further provides, that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

And the constitution further provides, that when vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The Legislature of the State of Mississippi had, by an act of the 2d of March, 1833, (so much of which as relates to the subject before the House is inserted in the report of the Committee of Elections,) prescribed that the elections for members of Congress, as well as of the Governor, members of the Legislature, and others, should be held biennially, and particularly that the Representatives to Congress from that State should be elected once in every two years, to be computed from the first Monday in November, in the year 1833. Such is the standing law of the State, and in enacting it, the Legislature appear not to have been aware that it left the State wholly without representation in this Hall, from the commencement of every Congress on the 4th of March, till late in

November of every first Congressional year; and the consequence is, and must be, that whenever Congress shall meet, whether by virtue of a law of the United States, or by special call from the President of the United States, in the interval between the 4th of March, the day when the Congress commences, and the first Monday in December thereafter, the State of Mississippi cannot lawfully be represented in the House of Representatives of the United States.

The vacancy is created, not as the writ of election issued by Governor Lynch avers, by the expiration of the term of service of the members of a former Congress, but by the law of the State deferring the elections of members to a Congress commencing on the 4th of March till the subsequent November.

The vacancy thus created by the law of the State is a vacancy which the Executive of a State cannot supply. It is not within the purview of the authority given him to supply vacancies, for the following reasons: First, because it is inconsistent with the law of the State itself, which prescribes that the election shall be held once in every two years, in November, and consequently prohibiting its being held more than once in that term. Secondly, because it is inconsistent with the provision of the Constitution of the United States that the members of the House of Representatives shall be chosen by the people every second year. And, thirdly, because it would change the tenure of the term of office, prescribed by the constitution to be for two years, into a tenure of two sets of members from the same State; one for a single session or part of a session, and the other for the remainder of the term of two years.

But if the Governor of the State cannot supply the vacancy thus created by the law of the State, for the interval of time between the 4th of March and the first Monday in November, still less can he, directly in the face of the law of the State, supply a vacancy for a whole term of two years. The gentleman from New York thinks he could, and that his writ of election, instead of authorizing it to be held for a choice of members to sit until superseded by members to be chosen at the regular election in November, should have directed it to be held for members of the twenty-fifth Congress. The report of the Committee of Elections avows the opinion that the Governor, by introducing into his writ of election the restriction upon the terms of service of the members to be chosen, transcended his powers. The report says that the opinion of the committee was almost unanimous that the writ was perfect in itself without the restricting clause; that its being there does not invalidate the election held under it, but that it may fairly be rejected as surplusage. They, accordingly, reject it as surplusage, and present to the House a resolution that MESSRS. CLAIBORNE and GHOLSON have been duly elected members of the twenty-fifth Congress.

OCTOBER, 1837.]

Mississippi Election.

[H. OF R.]

Mr. Speaker, I have never been a tenacious adherent to the disorganizing doctrine of State rights. But conversant as I have been with the Constitution of the United States from its origin; familiar as I have been with all the controversies which attended its progress from the 17th of September, 1787, when it was presented by the convention at Philadelphia to the people of the Union, till its final adoption by the people of the whole thirteen primitive States of the Confederacy—equally familiar with all the subsequent controversies and collisions of power between the General and State Governments, as well as between the several departments of this Government—sworn as I have repeatedly been to support both the Constitution of the United States and that of my native Commonwealth of Massachusetts, and profoundly responsible as I hold, and ever have held, myself to a tribunal far beyond this visible diurnal sphere, for the faithful observance of those oaths, I have invariably considered the government of this our common country as consisting of two distinct, separate, independent, but interwoven authorities, both limited—each sovereign within its appropriate sphere—each lawfully powerless to encroach upon the appropriate functions of the other; and of all the errors which half a century of national existence has brought forth to kindle the torch of discord in our country, the doctrine of nullification is, in my judgment, the greatest and the most pernicious. And next to that is the doctrine of nullification, by the Executive, of the acts of the legislative power—I do not mean by the veto, before a legislative act becomes a law—I do not mean by the constitutional control given to Congress over certain acts of State legislation—but I mean the annulment, by a State law, of an act of Congress, or the annulment of a State law by an Executive proclamation, or by any department of the General Government, except as authorized by the constitution.

Now, sir, it appears to me that both these errors are involved in the opinion expressed by the gentleman near me from New York, (Mr. Loomis,) in the report of the Committee of Elections, and in the resolution with which it closes, that Messrs. CLAIBORNE and GNOLSON have been duly elected members of the 25th Congress. The gentleman from New York thinks the Governor of the State of Mississippi reprehensible for limiting in his writ the election of the members to a term to be superseded by members to be chosen at the general election in November, prescribed by the law of the State. The report of the Committee of Elections considers the Governor as having, by inserting the restriction, transcended his powers. They reject the restriction as surplusage!

Sir, it was the standing law of the State. The law of the State surplusage! The Governor of the State, by conforming his writ to the law of the State, transcended his powers! Why, what would he have done if he had omitted the restriction from his writ? He

would have annulled the law of the State by proclamation. That would have been a transcending of his powers with a vengeance! Sir, there has been a time, in the land of our fathers, when the pretension of power in a kingly crowned head to annul the laws of the land by proclamation, conducted the royal nullifier to the block. As a democrat, as a republican, I should hardly expect that the gentleman from New York would be ready to invest the Governor of a State with a dispensing power to annul the laws of the State by proclamation. As devoted and ardent supporters of State rights, I should hardly have expected from the majority of the Committee of Elections, a charge against the Governor of the State of Mississippi, of transcending his powers by strict conformity to the law of the State; and still less can I think that this House will adopt a resolution equivalent to the appointment by this House of members to represent the people of the State of Mississippi from the close of the present session to the end of the 25th Congress. For this, and nothing less than this, will be the effect of adopting the resolution reported by the majority of the Committee of Elections.

Upon the face of the credentials of these gentlemen, as stated by themselves, they were elected to represent the people of the State of Mississippi in this House, until superseded by members to be chosen at the regular State election in November. Yet the resolution reported by the committee, declares that they shall represent the people of that State during the whole of the 25th Congress. The people of the State elected them to serve for one session. The resolution of the House is to constitute them Representatives of the people of Mississippi from the close of this session till the 4th of March, 1839.

Sir, it is my very deliberate opinion that the election of the two members from the State of Mississippi, for a term, to be superseded by others to be elected next November, was unconstitutional; that no such election could be held, because it is in direct collision with that provision of the Constitution of the United States, which prescribes that the members of this House shall be chosen every other year. But the time, place, and manner of holding the election, being entrusted by the constitution to the State Legislature, and the Legislature having provided only for an election to be held once in two years, and that in the month of November, *after* the commencement of the term of the Congress for which they are elected, there was no authority in the State competent to ordain an election for a single session of Congress, or for a term short of two years, from the 4th of March, 1837. The election was, therefore, null and void. It was not an election for a single session, or until November, because the Constitution of the United States admits of no such election. It was not an election for the whole Congress, because the law of the State required that another election for that purpose should be held

in November, and the writ of election issued by the Governor, in exact conformity to the law of the State, expressly restricted the term of service to the interval till the regular election in November. If he had no power to insert the restriction in the writ, he had none to issue the writ itself. If the election was to be held for the whole Congress, the law of the State had prescribed that it should be held in November, and it could be held at no other time.

The error of all this was in the law of the State, fixing the time for the election of the State's members in this House nine months after the commencement of the Congress itself. The power of the Governor was not competent either to repeal this law or to supply its defects. He assumed authority to supply its defects; and the report of the Committee of Elections, while charging him with transcending his powers in this assumption, concedes to him the power which he did not assume, of annulling the law of the State, assumes that he has annulled it, and stretches the election, avowedly authorized by him for a term of three months, into an election for the whole Congress.

If the House should adopt the resolution reported by the Committee of Elections, we are yet to see how it will be taken by the people of the State of Mississippi. Their law requires that the election of members to represent them in this House for the present Congress, should be held next November. That law this House cannot set aside. This election must and will be held, and it is to be presumed that the same members will be again returned. Although I hold that the election by which they now occupy their seats was irregular, null, and void, I have been content that they should hold the seats, and wish they may continue to hold them till the close of the session; because, however irregular the election may have been, they were actually chosen by large majorities of the people, and there is no comparison in point of magnitude between the mere inconvenience of an informal election, and the great evil of depriving the people of a whole State of their representation in this House, when they have actually signified their pleasure by whom they choose to be represented. I would, therefore, postpone to the last hour of the session the decision of the question; but I should then vote for the resolution as proposed from the gentleman from Tennessee. The regular election would then be held according to the law of the State of Mississippi; and as there is no reason for expecting that the people of the State of Mississippi have, since last August, transferred their preferences to other persons, there can be no doubt that the same members will be chosen again. But it is devoutly to be wished that the Legislature of the State of Mississippi will, by a suitable modification of their election law, provide against the recurrence of this defect in their representation in this House, which must otherwise return whenever a session intervenes between the fourth of March, and the

first Monday in December of every alternate year. Other States are in the same situation. Eight or ten have been obliged to hold their elections since the special call for the present session by the President of the United States. The constitution no doubt authorizes Congress by law to alter the time of holding the election, as regulated by the law of the State; but there never yet has arisen a necessity for exercising this power by Congress; nor should it, without necessity, be exercised. It is a still more exceptionable remedy for the evil which is now proposed; an assumption of illegal power by the Governor of a State, and the nullification of a State law by a resolution of this House.

Mr. CAMBRELENG asked that there might be a call of the House. This was agreed to, and the roll was called; when 105 members answered to their names.

Mr. WHITTLESEY, of Ohio, said that, as there was a doubt as to whether the gentlemen from Mississippi had been elected for the present session only, or the whole Congress, he thought it would be the better plan to lay the whole subject on the table, and thus afford time for them to return and be re-elected. With that view, he moved that the report of the Committee of Elections, with the amendment thereto, be laid on the table, and, on that question, he asked for the yeas and nays.

Negatives—yeas 70, nays 145.

Mr. HAYNES moved the previous question, which was seconded—yeas 105, nays 81; and the main question was ordered.

Mr. BRIGES called for the yeas and nays on the main question, which was the adoption of the resolution reported by the Committee of Elections, that Messrs. Claiborne and Gholson were entitled to their seats; which was ordered, and were:

YEAS.—Messrs. Anderson, Andrews, Atherton, Beatty, Bierre, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, John Campbell, T. J. Carter, Casey, Chaney, Chapman, Cilley, Clark, Cleveland, Coles, Connor, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, William Graham, Grant, Gray, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Herod, Holsey, Holt, Howard, Hubley, Ingham, T. B. Jackson, J. Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, Arphaxed Loomis, J. M. Mason, Martin, May, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Smith, Snyder, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, A. S. White, T. T. Whittlesey, Jared W. Williams, Worthington—118.

NAYS.—Messrs. Adams, Alexander, H. Allen, John W. Allen, Ayerigg, Bell, Bond, Borden, Briggs, W. B. Calhoun, John Calhoun, Wm. B. Campbell, Wm.

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Treasury Notes.

[H. OF R.]

B. Carter, Chambers, Cheatham, Childs, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, Rice Garland, Goode, Graves, Grennell, Griffin, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, R. M. T. Hunter, Henry Johnson, Lawler, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, Samson, Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Calvary Morris, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pope, Potts, Randolph, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Towns, Underwood, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—101.

So Messrs. Gholson and Claiborne were declared to have been duly elected members of the twenty-fifth Congress from the State of Mississippi, and, as such, entitled to their seats on this floor.

WEDNESDAY, October 4.

Treasury Notes.

The House went into Committee of the Whole on the state of the Union, (Mr. CONNOR in the chair,) and resumed the consideration of the bill "to authorize the issuing of Treasury notes."

The question was on the substitute of Mr. RHETT.

Mr. BIDDLE said, in entering on his duties as a member of this House, he had done so with a fixed determination to be drawn into no merely factious opposition to those who administered the Government. But it was undeniable, in the high state of credit which this country enjoyed, at home and abroad, that any method of pledging that credit in constitutional form, will effect the desired object with equal certainty and promptitude. If, then, the administration has resorted to a method which is most liable to exception; which, in its example, is most dangerous; which would, in all probability, be the least productive and the most burdensome; which would tend to disguise from the people their real condition and liabilities, then he felt not merely at liberty, but bound to resist it, and to turn the Government round to a method direct, advantageous, and unexceptionable.

He would make a preliminary remark. The late President, General Jackson, had proclaimed to the whole world that the bill before us is unconstitutional, and, if passed, will not bind the faith of the nation. In his letter to the editor of the *Globe*, dated *Hermitage*, 23d of July, 1837, he says: .

"I hope no Treasury notes will be issued. The Treasury drafts upon actual deposits are constitutional, and do not partake of paper credits as Treasury notes, which are subject to depreciation, by the merchants, and banks, and shavers, and brokers; and will be, if issued; and the Government cannot avoid it. Different must it be with Treasury drafts

drawn upon actual deposits; and, from the conduct of the banks and the merchants, they deserve no favors from the Government, which they have attempted to disgrace, and to destroy its credit both at home and abroad."

Now, sir, does this bill profess to authorize drafts on actual deposits in the Treasury, or notes to be discounted by merchants, banks, shavers, and brokers? The title is "A bill to authorize the issuing of Treasury notes," and the President and Secretary are empowered to make the best bargain they can with these merchants, banks, shavers, and brokers, provided not more than six per cent. be allowed. Does any one pretend to deny that they encounter the full denunciation of General Jackson as unconstitutional? He holds, distinctly, that the power to borrow money does not embrace the issue of this kind of paper.

Mr. Chairman, you will readily believe that I am not one of those who push to an extreme my faith in the accuracy of General Jackson's opinions on constitutional points. That is not the question. Is it not undeniable that such opinions are held by many, and will exercise a wide influence? The chairman of the Committee of Ways and Means tells us that these notes are to find their resting-place in London; in other words, this is a new form of loan to the United States from the detested Barings. They ought, then, to have a clear and indisputable credit among those who have been soured and alarmed at being so long held up as persons whom it is meritorious to cheat, because they happen to live on the other side of the Atlantic. Let it be remembered, too, that, in discussing the probabilities of the Supreme Court declaring a certain charter unconstitutional, great reliance was placed on the fact that a large majority of the present judges had been appointed by General Jackson. If those judges should adopt his opinions in the present case, what a fraud is to be practised on the purchasers of this paper! These are matters which cannot remain unknown in that great mart of the world, where rival stocks are perpetually struggling for precedence. Nay, sir, is it not possible that the agent for the Smithsonian bequest, in one of those fluctuations of mood to which he seems subject, may republish, with a preface, the letter of General Jackson to Mr. Blair, as he did a certain other letter, with a view to shake public confidence in an American stock?

Mr. Chairman, I have other objections to this bill.

No one can shut his eyes to the fact, that this is the commencement of a new national debt. But it wears a mask to conceal its hideous countenance. With what rapturous joy did the people hail their escape from the former load! Abundant gratitude was claimed, on that occasion, for General Jackson; though it was the result of measures matured long before, and retarded, rather than advanced, by the increased expenditures of his administra-

tion. There is plainly now a trembling timidity—a morbid fear—after so much false boasting, to lay bare the fact that the first step of the present administration is to create a national debt. Is it right, sir, that the representatives of the people should co-operate in an effort to mislead the people? How many of our constituents are aware of the true character and operation of this bill? Is it not proper that they should be instantly aroused, so that, at the polls, they may begin at once to exercise their right of claiming from candidates a pledge of rigid economy? How is this debt to be paid off? Does anybody suppose that the present emission of paper will render more available the notes of broken banks which constitute our present resources? On the contrary, it will only cause their still further depreciation. You will not be able to force them even upon the revolutionary pensioners and the laborers in your service. They will prove a total loss to the holders, as was the case when the paper tickets of irresponsible individuals were superseded by the paper tickets of corporations. Sir, this thing must end in direct taxes. The necessity may be shuffled off by new emissions, but will come at last with all its accumulation. Disguise the matter as you may, these ten millions will have eventually to be paid out of the soil. Unless the people are aroused, and take the matter into their own hands, the time will speedily come when every farmer, in preparing for his crop, must run one furrow for himself and the next for the tax-gatherer. Viewing the matter even on party grounds, how is it that an administration, pledged to follow in the footsteps of General Jackson, begins its career by creating a debt of ten millions, in a mode which General Jackson has denounced as dangerous and unconstitutional?

Mr. Chairman, it has ever been a subject of regret and astonishment that our mode of raising money is one that invites prodigality and extravagance, and tends, most speedily, to exhaust our credit. Our wisest statesmen have warned us, over and over again, of the fatal impolicy of ever incurring a debt, without, at the same time, providing a specific fund for its redemption. Even during the late war, when there was a disposition to put every thing at risk, in sustaining the country, without looking to consequences, you will find that the voice of sagacious men was raised in protest against this improvidence. Thus, in the debate of the 9th of April, 1814, on the subject of Treasury notes, a patriotic member of the House of Representatives, Mr. McKim, used this language:

“Mr. McKim said he should be sorry to deny to the gentleman the courtesy of having his resolution referred, were it not for one consideration. If the gentleman would add to his motion a proposition for such further tax as should be necessary to redeem the notes when they became due, he should concur in his motion. But he asked of the House to take a deliberate view of this subject before they referred the resolution. If there was any one point on which

Government should be cautious, it should be its credit; and a regard for the credit of the Government would not justify the issuing of these notes without providing for their redemption.”

Nay, sir, the Secretary of the Treasury himself, in his recent report, admits the importance of such a provision:

“In connection with the issue of any Treasury notes, it is believed to be wise to make ample provision for their early and final redemption.”

Why has this been neglected? Why is it that Congress shall grant money with reckless precipitation, omitting the precautions against abuse which even an executive officer has pointed out?

Mr. B. said he could not forbear to press upon the House the warning of the first Secretary of the Treasury, as to the emission of paper money by this Government:

“The emitting of paper money by the authority of the Government is wisely prohibited to the individual States by the national constitution, and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions, under a general authority, might have some advantages not applicable, and be free from some disadvantages which are applicable, to the like emission by the States separately, yet they are of a nature so liable to abuse, and, it may even be affirmed, so certain of being abused, that the wisdom of Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient.” “The stamping of paper is an operation so much easier than the laying of taxes, that a Government in the practice of paper emissions would rarely fail, in any such emergency, to indulge itself too far in the employment of that resource, to avoid as much as possible one less auspicious to present popularity.”

Here, sir, you find plainly disclosed to us the real motive for a resort to Government paper. It is less auspicious to present popularity to adopt a course which would compel the people to pause and to reflect upon the folly and imposture that have brought us to our present condition.”

Are we, sir, prepared to run over again a career of improvidence, without the shadow of a pretext, and against all the lessons of wisdom and experience? Sir, the present times afford little scope for ambition, or reward for the toils of office. But this administration has put aside, from narrow, temporary, and selfish considerations, an opportunity of earning the lasting gratitude of posterity, and achieving a great civil triumph, by placing this matter on its true basis.

What, I repeat, is now the fund mainly looked to, for the redemption of these Treasury notes? Why, sir, the claims which we hold on broken banks, and the vague hope that they will grow better during the next year, in which we are going to wage a war of extermination against those institutions. No, sir! There is not the least hope or expectation of aid from that quarter. It is perfectly well known that the only claim to credit which these notes possess, is the fact, that they constitute a *lien*

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on every inch of real estate in the country, and must be discharged out of the hard labor of the country. But the administration dares not acknowledge this to the people. It does not feel strong enough to do so. Concealment is necessary. For this very reason, sir, I resist the project. I say to the administration, come out fairly and openly, so that the people may see what is before them; do this, and I will cheerfully co-operate with you.

Mr. Chairman, there is a paragraph in the President's Message, to which I could not listen without pain at the light in which it must place the Chief Magistrate of the country before all those who have watched the course of events. I allude to the passage in which he adverts to a prophecy that, under a State charter, the Pennsylvania Bank of the United States would prove stronger than ever. Sir, I think that such anticipations were justifiable. It might well be supposed that, on escaping from the constitutional scruples which clogged her former existence, and from the party contests which perpetually sought to involve her in their vortex, there would be no longer a motive for persecution. It was, doubtless, believed that many even of the politicians who had joined in a cry against the bank, in order to keep abreast of a supposed popular current, would gladly atone to their own consciences by, at least, an amnesty. Was it not rational to presume that the States would cordially welcome the advantages to be derived from its career of quiet usefulness? And, when the State of Pennsylvania had thrown round it her ægis, was it to be apprehended that those, at least, who had been so long indulging in sentimental regrets over "the lost rights of the States," would be the first to trample upon such as are unquestionable? And yet, sir, how was it? You well know the subsequent history. The topic was too precious for demagogues to be abandoned. Party fires had begun to wane and languish for want of the accustomed blast and aliment. The war assumed a character of unprecedented fierceness. Before the wax of the charter was cold, you saw the great State of Ohio, under the influence of party excitement, passing a law to inflict the heaviest penalties upon any one of her citizens or corporations who should dare to act as the agent of that bank. We of Pittsburg well know that the result of this single blow was to paralyze, in a great measure, the western business of the bank. There was denied even a right of way, and it became almost perilous to open in Ohio a letter connected with her affairs. You saw, also, under the same impulses, the branch expelled, on a few days' notice, from Missouri. And in other quarters, so far from being permitted to take the position of a regulator, she has been compelled to pass an obscure and uneasy existence, constantly assailed by party clamor, and with the Government and its minions ready and eager, at any moment, to second a blow at her interests.

And who, sir, took the lead in that crusade? The writer of this very Message. You saw him, with astonishment, arraiging the sovereign State of Pennsylvania for a high misdemeanor, before a Cincinnati dinner-table. You saw him addressing to that dinner-party an inflammatory letter, urging them, amidst their orgies, to lift high the wine-cup in pledge of eternal hostility to our Pennsylvania institution. And yet, sir, he who has successfully employed the influence of his high station as Vice President in efforts to cripple that institution—to baffle all her exertions to be diffusively useful—now sneers in this high state paper at the sanguine hopes with which she entered on her new career!

It has been a subject of complaint here that, amidst the falling to pieces of the system of over-banking, to which your policy gave unrestricted scope, the Pennsylvania institution did not continue to pay specie. From whom is this heard? From those who had destroyed her national character, and with it all accountability to the nation; from those who had broken down the only barrier against over-issues of paper, which then, "like to an entered tide," had rushed by and flooded the country; from those who had compelled her to wind up, and to dispose of her resources at a long credit; from those who, in 1833, declared that she was "a reptile beneath the feet of the Secretary of the Treasury," and that she had been "brought to her knees at the first blow of the State banks!" Surely, it is of the essence of modesty and consistency that such complaints should proceed from such a quarter. But, forsooth, she might, as she asserts, have continued specie payments. Be it so. The fact cannot well be questioned by those who ring in our ears her tremendous power and resources. But would such a course, if practicable, have relieved the country? Every candid man must admit that exactly the reverse would have been the case. If she continued to pay out specie, she must resort to measures to compel a similar course on the part of others. And who does not see the widespread ruin that must have ensued? Look at the bill upon your table for the adjustment of claims upon the deposit banks. Before a resort to suit, you provide for the offer to receive payment in protracted instalments. This is already pronounced, by gentlemen from the quarters in which they are located, to be oppressive and ruinous. Yet you reproach the Pennsylvania bank for not having taken the position which would have compelled a far sharper and more peremptory action on her part. It seems to be the misfortune of gentlemen, otherwise amiable and just, to catch the spirit which prevails here, and to suppose that a capacity for mischief necessarily implies the exercise of it. No, sir! If the whole force of the Government could not sustain a league of banks, the Pennsylvania institution might well decline to become an instrument for gratifying the blind and ungovernable rage with which the Execu-

tive was disposed to turn upon those who had been so long the objects of eulogy and favoritism. She did wisely, I think, not to exhaust herself in an effort to destroy them, but to reserve whatever strength she possessed to co-operate with them in an effort to relieve the country from the evils into which misgovernment had plunged it.

Sir, after destroying the best currency with which any country was ever blest, the friends of the administration tell us that they have constitutional scruples about meddling further with the subject; it is no concern of theirs; they doubt their right to cure the mischief they have inflicted. Suppose, sir, one of your naval commanders should insist on taking under convoy a fleet of American merchantmen. He declares that he has the only accurate charts; that he is familiar with every shoal of the channel, and every indentation of the coast. But, in the midst of difficulty and danger—with breakers around, and signals of distress everywhere flying, he is seen refusing the aid of a single boat or anchor, and abandoning to their fate the victims of his ignorance and presumption. Would it be sufficient for such an officer to say, as has been argued here, "mine was a national ship intended to meet the public enemy; had I rendered assistance on that occasion, the next request would be to throw overboard my guns for the more convenient transportation of merchandise?" If such arguments would be met by universal scorn and execration, must not the country regard with similar feelings the course of the dominant party?

But, sir, (said Mr. B.) it is contended that the nation will cheerfully sacrifice itself for a metaphor. The word *divorce* is to reconcile us to every evil. This seemed to him a singular notion, with regard to a people supposed to cherish, in an especial manner, all the endearing ties and sympathies of domestic life. The word has been supposed to bring up the most melancholy images; it speaks of violated faith—of ungovernable passions—of a desolated fireside. The most remarkable case on record is that of Henry VIII.; on which rests the yet unmitigated execration of mankind. There, too, the talk was of State policy; and even religion was pressed into service as the handmaid of lust. The purest statesman of the age was led to the block for his opinions about the divorce. Sir, what has been the past career, and what is the present state, of the party in this matter? You have long since madly broken away from a legal connection, sanctified by a happy and serene cohabitation of forty years. In your downward course from respectability, you next took to your pets, to the infinite shame and mortification of all decent persons who looked on. And now you are wearied of them, and wish to go upon the town at large! This craving for novelty—this change of doxies—you dignify with the name of a *divorce*, which shall console us in the midst of our ca-

lamities. The man whom you have deprived of the chance of earning a dinner for his wife, is to go home and comfort her with talk about the divorce!

Mr. ROBERTSON said he was opposed to the bill, whether designed to raise revenue or to create a circulating medium. As a revenue measure he believed it unnecessary, and, under that impression, he was unwilling, at this time of general pressure, to incur a new debt or levy upon the people additional burdens. The Secretary of the Treasury anticipates a deficit of five or six millions of dollars only. He proposes to withhold the fourth instalment set apart for the States, or to resort to some other resource for a sum equal to ten millions of dollars; which he gives us to understand will meet all necessary expenses, and leave a surplus of one million for the mint, and three or four millions for sudden and contingent calls. The same view is presented still more distinctly by the President in his Message. He tells us:

"The sum necessary for the service of the year, beyond the probable receipts and the amount it was intended should be left in the Treasury at the commencement of the year, will be about six millions."

He makes this estimate on the supposition that indulgence will be extended on the merchants' bonds. Adverting to the means of supply, he says:

"It is not proposed to procure the amount required by loans or increased taxation. There are now in the Treasury, \$9,367,214, directed by the act of 23d June, 1836, to be deposited with the States in October next."

He then recommends the use of this sum, as the whole or the greater part will be wanted to defray existing appropriations. Well, sir, we have granted the sum required, in the very mode recommended by the Executive, by violating our engagement solemnly made with the States; and now, before we have determined whether any or what indulgence shall be extended to the merchants or the banks, we are called upon to authorize an issue of ten millions in Treasury notes, making (exclusive of the sum withheld from the States) about forty-six millions for the current year. It is true the President proposes this issue, not in addition to the funds withheld from the States, but temporarily, and only until the amount can be collected from the banks. But there is no pretence that the banks are insolvent; nor is there any proof that the whole or some part at least of what they owe may not speedily be collected or made available. We well know that hitherto drafts upon them, whether paid or not, have served the purposes of the Government; indeed that, even when protested these drafts have readily sold in the market at a premium of six or seven per cent. If six millions only of the sum wrested from the States can be commanded, they will suffice, as the President himself informs us, for the service of the present year. Yet we are to issue

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ten millions in Treasury notes, redeemable at the expiration of twelve months; six millions to supply what, there is every reason to believe, we may obtain from the banks indebted to us, or make available by drafts upon them; and the residue, avowedly, to provide or keep up a surplus for the mint, and for unforeseen contingencies. I question much, sir, the propriety of this annual appropriation for the mint. There is reason to fear that we are making money there at a heavy expense, and, if so, the sooner we get rid of a losing concern the better. As for the surplus for sudden emergencies, the very contingency has occurred for using whatever portion of it may remain; and I would sooner expend every dollar of it than issue a Treasury note, or impose a burden of any kind upon the country. This is not the time to create or retain an idle surplus of three or four millions in the Treasury.

But funds, it is said, are wanting to carry on what is called the Florida war. If that be so, profoundly ignorant as we are still kept of the true cause of that war, discreditable as its conduct has been to the administration, I am ready to vote adequate supplies for the protection and security of our frontier settlements. But has the Executive called for a further appropriation for that object? If there be in the Message the most distant allusion to such an appropriation, it has escaped my notice. The President sums up in a single paragraph the objects to which he invites our immediate attention:

"To regulate, by law, the safe-keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the Government; to enable the Treasury to meet promptly every demand upon it; to prescribe the terms of indulgence and the mode of settlement to be adopted as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories; and to devise and adopt such further measures, within the constitutional competency of Congress, as will be best calculated to revive the enterprise and to promote the prosperity of the country."

These are the reasons assigned for the present inconvenient and unseasonable convocation of Congress. Yet my colleague (Mr. WISE) may have been right in suggesting that the true motive is to be found in the necessity of providing further means to carry on the war in Florida. For, of the various objects supposed to require immediate legislation, there is not one which the Executive, in the plenitude of its authority, has not already provided for, or which might not have been deferred without much detriment to the public interests, till the regular period of our annual session.

THURSDAY, October 5.

National Bank.

The House passed to the unfinished business of yesterday, which was the consideration of

the resolution reported from the Committee of Ways and Means, declaring it to be inexpedient to charter a national bank; and the question being on Mr. SERGEANT's motion to refer the resolution to the Committee of the Whole on the state of the Union,

Mr. CUSHMAN said that, believing every gentleman to have made up his mind on the question in relation to the expediency of chartering a national bank, and that the state of the public business would not permit of its further discussion, he moved the previous question.

The previous question was seconded—ayes 83, noes 80.

The main question was then reported as follows:

Resolved, That it is inexpedient to charter a national bank.

Mr. WISE called for the yeas and nays on the main question, which were ordered, and were:

YEAS.—Messrs. Anderson, Andrews, Atherton, Beatty, Bierne, Bicknell, Birdsall, Bouldin, Brodhead, Bruyn, Buchanan, Bynum, Cambreleng, T. J. Carter, Casey, Chapman, Cilley, Claiborne, Clark, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Dawson, Davee, Dromgoole, Duncan, Edwards, Elmore, Fairfield, Isaac Fletcher, Fry, Gallup, Gholson, Glascock, Grantland, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, Arphaxed Loomis, Lyon, Mallory, J. M. Mason, Martin, McKay, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, M. Morris, S. W. Morris, Muhlenberg, Noble, Ogle, Owens, Palmer, Parmenter, Patton, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Rives, Robertson, Sheffer, Shields, Shepler, Smith, Snyder, Spencer, Steward, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Vanderveer, Wagener, Webster, T. T. Whittlesey, Jared W. Williams, Worthington, Yell—123.

NAYS.—Messrs. Adams, Heman Allen, John W. Allen, Ayerick, Bell, Biddle, Bond, Borden, William B. Calhoun, J. Calhoun, William B. Campbell, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hawes, Henry, Herod, Jenifer, Henry Johnson, William Cost Johnson, Lawler, Lincoln, Andrew W. Loomis, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Calvary Morris, Naylor, Patterson, Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Sibley, Slade, Southgate, Stanly, Stratton, Tillinghast, Toland, Underwood, A. S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wisc, Yorke—91.

So the House resolved that it is inexpedient to charter a national bank.

Sub-Treasury Bill.

The bill from the Senate, entitled "An act imposing additional duties in certain cases on public officers," was taken up on its reference.

Mr. CAMBRELENG remarked that, as this bill corresponded in almost all its provisions with the House bill under the same title, reported by the Committee of Ways and Means, and referred to the Committee of the Whole on the state of the Union, he had been instructed by the Committee of Ways and Means to move that this bill be at once committed to the same Committee of the Whole as the other.

The motion was assented to.

Treasury Note Bill.

The House proceeded to the consideration of the "bill to authorize the issuing of Treasury notes."

The bill had been amended entirely in Committee of the Whole, and a substitute submitted by Mr. CAMBRELENG adopted.

Mr. FLETCHER, of Massachusetts, said: The bill before us is indirect and deceptive; calculated to conceal the real nature and object of the measure which is proposed. It is entitled a bill to authorize the issue of Treasury notes. Why not call it a bill to authorize the employment of additional clerks? Or, a bill to punish forgery in certain cases? Both of which are just as much provided for in the bill as is the issue of Treasury notes; and either of which would just as well express the real object of the bill as the title which it bears.

The bill bears a false title; it carries upon its front a false name; it imports what it is not; or rather it does not import what in fact it is; it is deceptive. Wherever else designing artifice may prevail, let it not corrupt our legislation. Let us deal frankly and openly with the people. When we take their money, let us tell them so; let it be taken openly and avowedly, not covertly and indirectly. Take their money and tell them so; but do not pick their pockets!

When the people are to be subjected to a liability of ten millions, they should be informed of the fact clearly and distinctly; there should be no concealment in word or thought. The bill before us is, in truth, a bill to authorize a loan of ten millions. What we want is a loan, and we ought in fairness and truth to say so. To call the bill by a name that does not fairly import its character; thus to treat it as something different from what it really is, does not comport with what ought to be the character of the Government.

We have already, sir, passed a bill entitled an act to postpone the fourth instalment of deposit with the States. I fear, sir, that bill raises expectations only to disappoint them. That payment, if it were really intended, might as well be made now as ever. I fear, sir, the States will expect it in vain. Postponement, in all probability, will turn out to mean repeal.

The expectation of payment at a future time will prove, I apprehend, a delusive expectation. Sir, I protest against duplicity in any form, on the part of the Government. The relation which we sustain towards the people demands from us the strictest truth and sincerity. They have placed confidence in us; they have entrusted to us their rights and interests; and they have an undeniable claim to be informed fully and clearly, without disguise, as to every thing we do, and every thing we intend. The title and the form of this bill are calculated, in my opinion, to disguise from the people that we are borrowing money upon their credit; and, in that point of view, the bill is obnoxious to serious objections.

There is another objection, which must press with great weight upon those gentlemen who hold to a strict construction of the constitution, who hold that Congress has no powers except those expressly granted to it. Those gentlemen, who cannot find in the constitution any power to charter a national bank, where do they find the power to issue Treasury notes, or bills of credit; for Treasury notes, designed to circulate as currency, are neither more nor less than bills of credit? No such power is anywhere expressly granted.

The framers of the constitution had seen and felt the evils of Government paper money. The power to issue bills of credit was expressly withheld from the States; it was not expressly given to the General Government. How, then, does the General Government obtain it? It will be said that it is included under the power to borrow money. Let us see how that interpretation will answer.

No one will deny to the several States the power to borrow money—a power which they exercise every day without objection. But it is certain that the States cannot issue bills of credit. The power to borrow money, then, does not necessarily include the power to issue bills of credit; and, although the Government has undoubtedly the power to borrow money, that power to borrow money does not, by any means, necessarily imply a power to issue bills of credit. I found this argument upon the views of those gentlemen who hold to a strict construction of the constitution, without intending to express any opinion of my own upon this constitutional point. The only exercise of this power by the General Government occurred during the late war with Great Britain. The Government, in the first place, endeavored to obtain a loan in the usual way. The attempt failed; the loan could not be obtained; and, as a matter of necessity, the Government resorted to a forced loan, by the issue of Treasury notes. An example at such a time, and under such circumstances, is rather to be avoided than to be followed.

There is still a further objection to this measure. The bill provides that the notes to be issued shall bear such interest as the Secretary of the Treasury shall determine. This omission

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to fix the amount of interest leaves the character of the notes wholly indeterminate and uncertain. The interest which they may bear will determine the character and office of the notes. They may be of a character to be taken up as an investment by capitalists; they may be of a character to circulate as currency; and which of these characters they will assume, depends upon the interest they may bear. Before I can vote for the bill, this point must be determined. Before I can vote for the notes, I must know what the notes are to be. I cannot agree to the passage of any bill the nature of which is not fixed and established by the bill itself. It would be to act blindly and inconsiderately, to vote for a measure in ignorance of what that measure is to be. Should the bill pass in the present form, and should I be inquired of what its effects upon the community was anticipated to be, I could give no answer. I could express no opinion on that point, because, in the present shape of this bill, it is impossible to form any opinion what character the notes will assume. I could only say, what I should be ashamed to say, that the Executive had been authorized to issue notes to suit the purposes of the Government, without any regard having been paid to the concern which the community at large might have in this matter. If we are to act with the slightest regard to the interest and convenience of the public, we should fix the interest which the notes are to bear. Why refer this to the Executive? Is not the House competent to form and exercise a judgment on this question? Is not the House as fit as the Executive to determine what rate of interest, what character to the notes, will best subserve the public interest? If it be best for the Executive to legislate upon this point, why not upon all others? Though the Executive, in fact, exercised such a power, it would hardly be necessary to make a public proclamation of it.

The earnestness with which the friends of the administration press this measure of issuing Treasury notes, in preference to the usual mode of supplying the wants of the Treasury by a simple loan, is well calculated to excite suspicions. I have no desire to throw any undeserved odium upon the administration. I wish them to merit, and, by meriting, to possess the confidence of the entire community. But this measure is little calculated to produce that effect. It is an unusual measure; it will be attended with extraordinary expense; it will add to the number of those in the employ of Government; it will increase Executive patronage; it opens a new door to Executive favoritism. In raising money upon these notes, the Executive may give a preference, and may consult the interests of favored individuals; whereas a loan would be open equally to all.

Besides, sir, there are those who see in this measure the commencement of a permanent and a most perilous system. It is more than surmised that the Government would be willing

to have the whole currency of the country flow exclusively from itself; and is desirous to furnish not only the gold and silver coin, but the whole paper currency also, from its own exclusive mint; and that the measure now proposed is the first step in the march towards that object. The taking measures to render safe and convenient such currency as the people may elect to use, is the business and all the business of the Government in relation to this subject. It should be kept strictly within the limits of that duty, and should faithfully perform what belongs to it within those limits. They ought to follow public sentiment in this matter, not attempt to lead it.

But strange and dangerous doctrines have been put forth in relation to the currency of the country; and there is cause enough for alarm to render it the part of prudence to watch with care every measure bearing upon this subject. The issue of paper money is at all times a dangerous business for a Government to engage in, and a business peculiarly dangerous at the present crisis. Our time is now too short, our action too hurried, to justify us in adventuring upon a scheme of a novel character. At such a time, and under present circumstances, the only safe way is the old way—the common way. If the Government must have money, let it borrow the money in the usual mode. So doing, we shall know what we do. To the adoption of this course, I have heard no substantial objection, I can see no substantial objection; and, until I can obtain some new light, it is the only course to which I can give my assent.

A great change has come over our national affairs. At the commencement of this present year, there was in the hands of the Government a surplus of nearly twelve millions of dollars, exclusive of the whole amount to be deposited with the States. The fourth installment of the deposit money (between nine and ten millions) has been withheld from the States; there is due to the Government from the late United States Bank six millions, exclusive of interest; and now ten additional millions are demanded, to meet the expenses of the current year; and this, too, besides all the ordinary revenues of the country—a country, whose whole annual expenses during the administration next preceding that of General Jackson, were hardly twelve millions of dollars!

Mr. PARMENTER said: Mr. Speaker, I have listened with great interest to the observations of my honorable colleague who has just taken his seat, (Mr. FLETCHER,) as I always have elsewhere, when I have had an opportunity, from my great respect for his high moral worth and distinguished talents; but, entertaining somewhat different views from those presented by him and other gentlemen on the same side of the question, I will, with your leave, state the grounds upon which I dissent.

My colleague objects to the bill, because no rate of interest is specified; and he cannot

give it his vote until he knows precisely what the obligations of the Government are to be. It appears to me that this is one of the most valuable provisions of the bill, because the rate of interest can be so fixed all the way from a very low rate to the maximum of six per cent., that the Secretary of the Treasury will put it at the most advantageous rate for the Government and for the community. And it appears to me the rule would be a very plain one, to place the rate so that they would not be hoarded by the capitalists, or fall below par in the market, however small the demand for Government dues. And although, as has been strongly urged, there is very small probability that, under almost any circumstances, they would be below par, yet it is better, in my judgment, to leave the whole matter to the discretion of the Secretary of the Treasury, who will understand best what the wants of the case may require.

It is objected, that the issue of Treasury notes is unconstitutional; that they are bills of credit, and prohibited by the Constitution of the United States; that they were never issued in but one instance, and that during the war with Great Britain, when it was difficult or almost impossible to obtain a loan. If it were unconstitutional to issue Treasury notes, the fact that we were at war, and it was difficult to obtain a loan in any other manner, would not have made it constitutional. I come to the conclusion myself, that Treasury notes were issued at that time for the same reason as now, because they are the most convenient to the Government and the people.

I have not entertained the opinion, Mr. Speaker, that the present embarrassments of this nation have arisen from what may be properly called general distress. I believe, and think I shall be sustained in the opinion by the sentiments of many men of business in the commercial cities, that the stoppage of specie payments was owing to the alarm excited in the community, which caused a rush upon the banks for the precious metals, and thereby materially lessened their means, and by the imprudence and extended speculation into which the debtors of these institutions plunged. Had it not been for these circumstances, the suspension would not have taken place; and, but for them, before this time specie payments would have been resumed. It is true that the consternation was universal; the panic was overwhelming; but that the evil was not deep-rooted, and that there was not, in reality, a scarcity of the precious metals in the commercial world, is shown by various facts. Contrary to the expectation of most persons in this country, the Bank of England continued, and still continues, specie payments, and money is abundant, and there is no want of coin and bullion for all purposes. The speculations and investments in lands, amounting to many millions of dollars; engagements in novel manufacturing concerns; building of railroads in all

parts of the country; and establishments of every variety which ingenuity could invent—a few of them useful and profitable, but many, very many, most sorrowfully ruinous in their results—all tended to produce the mischief. The ordinary means of the banks were probably equal to their liabilities; but the inability of their debtors, in consequence of their imprudent and indiscreet course, crippled these institutions, and brought on the calamity of a suspension of specie payments—an evil which, while it continues, will blight every effort of enterprise and industry.

The amount of specie within the control of the banks of the country was equal to their wants, greater than it has been in many instances and at many times; but unsafe and improvident men obtained access to their resources; not that I mean to censure the managers of the moneyed institutions more than I would individuals, and copartnerships, and corporations, for everybody was infected with the mania of speculation; the whole atmosphere of the business world was filled with it. It drove people to the pine forests of Maine; to the town sites on the Gulf of Mexico; to every stream and river through the whole republic; to the new cities of the West; and to the engagements in manufactures, mechanic arts, and discoveries of all kinds, in most instances lamentably unsuccessful.

My colleague objects that the bill is deceptive; that, under the guise of authorizing an issue of Treasury notes, it affects a loan. It undoubtedly is a use of the credit of the country, to obtain means of extinguishing some of its liabilities, and in that sense is a loan. But there is no deception about it. Notes payable are never issued in money transactions, excepting for the purpose of substituting credit for money, or promising it, and therefore always, directly or indirectly, operate as a negotiation for a loan. What difference does it make as to the matter of borrowing, whether the money be obtained by one person of a third, and paid to a second one, or the note be given directly to the second person? In both cases it is obtaining means on loan; in one instance directly, in the other indirectly. Banks borrow continually, by their bills or notes, money of the community. Now, sir, as Treasury notes can be issued for no other purpose than to procure money or means on the credit of the United States, the bill cannot be deceptive, because, as it can have no other object, everybody understands it.

I am in favor of the bill as it now stands, without any of the proposed amendments, particularly those which propose the sale of the United State Bank of Pennsylvania, and to the striking out the provision authorizing the Secretary to pay interest when, in his opinion, the good of the country may require it. It certainly appears to me that there can be no possible objection to that provision. It will guard against the possibility, although

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I admit it is not a strong probability, that they will be at any considerable discount, under ordinary circumstances. But we all know the nice calculations of dealers in money; and I should be exceedingly sorry to hear the cry, which has so frequently sounded in our ears, of depreciated currency applied to any of the issues of the Government.

Mr. CROCKETT addressed the Chair as follows:

Sir, it has been urged by honorable gentlemen that this is a measure of relief to the country; that it will supply the country with a circulation and a medium of exchange; and I grant that it might offer some temporary relief; but, sir, I believe it would tend, ultimately, to aggravate the disease. So far from being a measure of permanent relief to the people, I believe it is the entering wedge to an institution almost as odious as the Spanish Inquisition. I mean, sir, a Treasury bank. In fact, if the amendment of the honorable gentleman from South Carolina (Mr. RHETT) be adopted, a Treasury bank of issue and deposit is at once established.

Sir, instead of showing any disposition to grant relief to the people, we are called upon to increase their burdens. We are about to heap upon them another national debt, (for, disguise it as you will, it is nothing less, and has been so admitted on all sides,) to the amount of ten millions of dollars, to relieve the Government; while the people are told, substantially, that they need not expect any relief; that it is the business of the Government to take care of itself; and that it has no power to intermeddle with the concerns of individuals! The Government, after having tampered with the currency until it is ruined and annihilated—after having prostrated every branch of industry and enterprise, the commerce and credit of the nation, by practising wild and visionary experiments—cuts loose from the people, and tells them it has no power to grant them relief, or interfere with their concerns! They are to be dismissed with a lecture on economy. Yes, sir; they are contemptuously told that they are to look to their own industry and frugality for relief, without the aid of the Government! Sir, this reminds me of the language of Job's comforters. We read in Holy Writ that on a certain occasion Satan was permitted by the Almighty to try an "experiment" upon the firmness and integrity of "Job, a perfect and an upright man, one that feared God and eschewed evil;" that when, by the power of this arch enemy of the peace and happiness of man, Job's fortunes, and his children, and every thing calculated to render him happy, had been driven to the four winds, and he was reduced to beggary and ruin; when, in addition to this, "he was smitten with sore boils from the crown of his head to the sole of his foot," and was groaning under the bitterest agonies of human affliction; when, in short, by one calamity upon the heels of another, he had been reduced from the highest state of prosperity

and happiness, to the lowest depths of degradation and misery, and was wont to roll himself in the ashes upon his hearth, there was but one resource left upon earth to which he could look for consolation and solace—and that was his wife. And when he cried out to her in the bitterness of his soul, what was her reply? She told him he had better "curse God and die!" And, sir, pretty much in keeping with this is the President's consolation to the people in their afflictions.

Sir, do you imagine the people expected to hear such language as this from those to whose interests they have shown so much devotion? Did they expect their rulers to mock at their calamities, which they themselves had been instrumental in bringing upon them? No, sir; they looked to those whom they had placed in power to devise some means to relieve them from their calamities. The proclamation of the President was hailed with joy by thousands as a favorable omen. They hugged to their bosoms the delusive hope that their rulers had seen the folly of their course, and were about to retrace their steps. Sir, although the President was pledged to "tread generally in the footsteps of his illustrious predecessor," yet, I imagine no one believed he designed to tread specially in his footsteps. And it was hoped that if he did tread in his footsteps at all, he would take his "back track," (if I may be allowed to use a hunter's phrase,) at least in relation to the currency and the revenue. But in all this how sadly are we disappointed! So far from this, we find him disposed to plunge still deeper into new and untried experiments! Sir, what do we behold? The whole country involved in one wide-spread ruin, and the Government itself bankrupt; and we are yet to have another "experiment!" Yes, sir, the State bank experiment has failed, and the golden bubble has exploded, and left a wreck of ruin in their train; and now, sir, in obedience to the mandate from the Hermitage, we are to have the Government divorced from all existing banks, and wedded to a new and untried system of sub-Treasuries, or, in plain language, a Treasury bank. Sir, we find that the ex-President is not content with having dictated to the people whom they should choose to be his successor, but seems now determined to dictate to that successor. I had hoped, Mr. Speaker, that, as the President had attained the summit of his wishes, he would kick from under him the ladder by which he had ascended, and take the dictates of his own judgment as the man of his counsel; but, sir, mortifying as it may be, we find the Message the exact *fac simile* of certain letters not long since addressed to the editor of the Globe, and published in that print.

Mr. Speaker, in order to remedy the evils which now afflict this country, I am for commencing the work where they originated. Let us, sir, in all due charity, instead of charging the whole of these misfortunes to the account of the people, at least charge one-half of them

to the mal-administration of the Government; and, although it is not recommended by the President, let us commence economizing a little on the part of the Government, and set a praiseworthy example before the people. I have always heard it remarked that example was much more forcible than precept. Let us, sir, instead of creating a national debt, in order to keep up an extravagant and prodigal system of expenditures which has crept into the Government, commence the business of retrenchment and reform which was promised us a few years since, and adopt some measure of general and permanent relief to the community as well as to the Government; and then, sir, and not until then, may we hope to see better times, and cease to hear the complaints that are now continually saluting our ears from the tens of thousands of honest, industrious citizens who have been thrown out of employment and reduced to beggary and ruin during this age of experiments.

Sir, I deem it unnecessary to detain the House with any calculations to show the state of the Treasury, in order to prove that the passage of this bill is not required to supply a deficit in the Treasury, as contended for by the friends of the measure. It has already been shown to this House conclusively, to my mind at least, that, by withholding the fourth instalment of the surplus revenue from the States, and suspending certain appropriations for useless—nay, worse than useless—public works, exploring expeditions, &c., and thereby reducing the expenditures for the present year some fifteen millions of dollars, there would be ample means in the Treasury to meet all demands against it, without resorting to the expedient of issuing Treasury notes on the credit of the nation. And, sir, if this be true, would it not be an unpardonable outrage to heap upon the people another national debt, right upon the heels of the one just discharged? Sir, we have had theoretical reform long enough; I think it is time we should begin to carry it into practice. But, on the other hand, it is urged that, after withholding the fourth instalment of the deposits from the States, and suspending the fifteen millions of appropriations, there will still be, in any event, a deficit in the Treasury, which renders it indispensable that this bill should pass. And, sir, we are told that the Treasury is in actual want of those funds at this moment, and cannot perform its engagements for ten days without them. I cannot perceive, sir, how this can be; but if it be true, I, for one, say, so let it be. If the Government has actually brought itself to insolvency, and it be really necessary to borrow money to pay its expenses, let the truth come out, and let things be called by their right names. Sir, this bill is designed to practise a fraud upon the people, by borrowing money in such a form that they will not understand it, and thereby shield the Government from the odium of bringing itself from a surplus of forty-five millions to bankruptcy in

less than one year. If I were satisfied that there would really be a deficit in the Treasury, which would make it necessary to borrow money to enable the Government to perform its functions, I should certainly grant it; but, sir, I would prefer that it should be asked for in plain English in that form. I am opposed to laying burdens upon the people in disguise. If they are to be taxed, let them understand it, and have an opportunity to provide for it.

Mr. PHILLIPS endeavored to prove that the most injurious effects had resulted from the late measure of the Secretary of the Treasury, in allowing a large amount of deposits to remain in several isolated banks, while he withdrew nearly the whole sums deposited with the banks on the seaboard. It was his opinion that much of the distress now existing in the commercial cities was to be attributed to that measure. He referred to the prospects of the country for the ensuing year, and contended, that from the report of the Secretary, and the statements given in the House, if a balance were drawn, the amount of difference between the expenditure and receipts would not exceed two or three hundred thousand dollars. He would tell them frankly, that when he came here his impression was, that the only practicable relief was the creation of a Government loan, by which our account with Europe could be speedily closed, or to issue such kinds of Treasury notes as would be useful to the people; and he thought that the payment of the fourth instalment of the deposits would be the means of distributing these notes to the country. But that measure had failed, and with it a great portion of the ground for issuing these notes.

It was his opinion that specie payments would not be resumed for the present, if the measures now before the House were adopted; and he also wished it to be known that, in his opinion, the period of distress had not passed over. It still existed, and, under the present state of things, must increase. Some gentlemen had attributed the distress to over-trading; but, although he would admit that might have had some influence, yet the great evil which they were called on to remedy was that of obstruction to our credit, both at home and abroad, and to restore the currency to its former state, and the banks to that confidence they enjoyed before the suspension of specie payments. It was desirable that they should make the notes of the banks receivable for public dues; and, when they had done that, they would have done all that was expected from Government; for, when such notes were so receivable, confidence would be restored, and nothing more would be wanting. He could not vote for the bill to its present amount; and, if Treasury notes were issued at all, he would suggest the expediency of issuing them without, rather than with interest.

Mr. TOWN sententia contended that the bill under consideration was well adapted to the wants of the country, and well calculated to afford relief

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to the Government and the people; and that, if we attempted to draw the money from the deposit banks while they owe the Government, it will force them to press their creditors, and add to the distress of the community. The country stood in the relation of creditor to the banks and the merchants, and it was its duty to deal with them in such a manner as to afford the greatest relief to them. In relation to sending bonds abroad, he must say that he felt a great repugnance to sending them into a foreign market, to raise money upon them to carry on the operations of the Government; besides, if they were sent abroad, it would have the effect of increasing our foreign debt, which now presses so heavily upon us. He supported the bill at some length, and answered the arguments of the gentleman from Massachusetts in relation to the constitutionality of the measure.

MR. BOULDIN said: I agree perfectly with the President of the United States, in believing we have nothing to do in providing a currency, further or other than as the constitution literally mentions. That instrument fixes a standard to be used when debtor and creditor come to points, and cannot agree as to what the debt shall be paid in. The debtor can get clear by offering, and the creditor can require, if he pleases to do so, the specie which is the standard. Congress cannot add to nor take from this privilege, in regard to either. Every law about money, without saying more, refers to specie only. Every judgment; every execution for money, without any thing more said in relation as to that point, is for specie of course. The Treasurer and Secretary of the Treasury have by the constitution the control of the money belonging to the United States to a great extent. You may shelter them by authorizing them to place the money in this or in that bank. But you cannot make them more responsible.

FRIDAY, October 6.

Treasury Note Bill.

The House then resumed the consideration of the "bill to authorize the issuing of Treasury notes," as reported from the Committee of the Whole on the state of the Union.

MR. HOPKINS said: Mr. Speaker, I am in principle a hard-money man, and I have the satisfaction to believe that the patriotic people whom I have the distinguished honor to represent upon this floor, prefer the constitutional currency of our fathers to any paper money, your Treasury notes included. But, whilst I say this, I desire that it shall be distinctly understood, that I am not to be enlisted in the contemplated crusade against the existing institutions of Virginia and her sister States, to accomplish the narrow object of supplying the Government alone with the constitutional currency; and I now admonish gentlemen that, until they propose a measure broad and com-

prehensive enough to separate the great body of the people from the banks, I will not co-operate with them in giving effect to a partial restricted measure, which furnishes a hard-money currency only to them, who, in the better days of our republic, were regarded as the mere servants of the people, and considered amenable to them. Now, sir, I am not the man to advocate here, in my representative capacity, any measure which will provide gold and silver for myself, and other functionaries of the Government, whilst the people are left to endure all the evils of a depreciated paper money.

But I have another objection to the details of this measure, growing out of the palpable injustice which must result, from the denominations of these Treasury notes, to the poorer classes of the community. If, sir, as is now too obvious for the most incredulous to doubt, these notes are to circulate and perform all the functions of a paper currency, they cannot reach the pocket of the poor man, but must serve alone the purpose of the wealthy, who alone can command the benefit of a currency in denominations of one hundred dollars. Another effect of this measure, I fear, will be to cripple still more the State banks, now rapidly recovering from the shock by which the whole monetary system of the community has been so recently convulsed to its centre; and, whilst it may relieve the Government, may at the same time embarrass still more the great body of the people.

I am not, I hope, sir, mistaken or misunderstood upon this subject. I am willing to extend to the Treasury immediate and ample relief, by any means compatible with the constitution and my convictions of public duty; nor will I be drawn from this determination by any doubt which may be entertained as to the real amount necessary, nor by the asperities of party intolerance, the prominent bane of our deliberations and councils here. Yes, sir, I am willing, and stand ready, to vote any sum, in the bounds of reason, which the Secretary of the Treasury may consider necessary to meet the most liberal wants of the Government; and if he asks more than is necessary, I leave him to his just responsibility to the country.

Sir, I am opposed to this measure, not as one of financial relief, but one for the emission of ten millions of paper currency, obnoxious as I conceive it to be, to all the objections of an executive bank, based not upon the means of immediate convertibility, but upon the plighted faith of the nation, which I maintain can be pledged only for a loan. In my humble judgment, sir, this project is fraught with mischief; and I look to it with the deepest distrust and alarm. Admonished as I am, by a short experience in the practical administration of this Government, that its tendency is to enlarge its powers by gradual and imperceptible innovations upon the rights of the States and of the people, I look to the future with all the forebodings of one fully impressed with the solemn

conviction that, if not resisted, and successfully resisted at the threshold, it will end in consolidation, and consolidation in the overthrow of our institutions and the downfall of our liberties.

Mr. Speaker, I will not detain the House longer by the expression of any apprehensions of my own, as to the objects of this measure, or the danger of its ripening into a permanent system. I feel as sensibly as any man can do, the magnitude of the consequences which such a system cannot fail to produce. I hope, sir, most devoutly, that my fears may never be realized; but I should be unfaithful to my constituents and my country, if I did not declare, fearlessly, that I look to the present measure as laying the foundation of a system which, if ever established, must end in revolution or despotism.

Mr. WISE eulogized his colleague on the course he had just taken. He was glad to find displayed so honorable and independent an opposition to the bill. Mr. W. then read several extracts from President Jackson's Messages of 1834 and 1835, to show that the sales of Government stock in the United States Bank had been recommended by the President at those periods.

Mr. ROBERTSON said, if the administration had no other object in view than to raise a sufficiency of money to meet the real wants of the Treasury, he was at a loss to comprehend the cause of these persevering efforts to raise it by the issue of Treasury notes. The amendment of the gentleman from Kentucky, (Mr. UNDERWOOD,) as modified, proposed to give the right to dispose of the debt of about six millions due from the Bank of the United States; and that of his colleague, (Mr. PATTON,) if he understood it, to superadd the power of drawing upon the State banks, which held ten or twelve millions of public money. If these resources should prove insufficient, authority might be conferred to borrow whatever sum might be necessary to make up the deficiency. But none of these obvious and ordinary methods of replenishing the Treasury will now answer the purpose. Nothing will do but to resort to the extraordinary and dangerous resource of an issue of Treasury notes. In times of great difficulty, when engaged in war with one of the most powerful nations of Europe, we were compelled, from sheer necessity, to adopt that method of raising supplies. During the Revolutionary war we had issued upwards of three hundred millions in bills of credit, and at its close these bills were so depreciated that they were funded at 100 for 1. Such were the evils attending the system, that the framers of the constitution, to guard against their recurrence, thought it necessary to interdict the States in express terms from emitting bills of credit. I will not, sir, (said Mr. R.,) at this time enter into the question whether the power thus prohibited to the States rightfully belongs to this Government. There is much force, all must admit, in the reference made by the gentleman from

Massachusetts (Mr. CUSHING) to the journal of the convention, showing that a proposition to clothe this Government with the power was expressly overruled. With those who rely on the same ground, not verified by the journal, but depending on the memory of members of the convention, as an argument against the power to establish a national bank, this reference ought to be conclusive. Certain it is, that the power was not expressly granted, as were those to lay taxes and borrow money; and the rule of interpretation, as given by the constitution itself, is, that the powers not delegated to the United States, nor prohibited to the States, are reserved to the States or to the people. It is obvious that its exercise by the General Government is equally dangerous; indeed, liable to much greater abuse. The States can effect none, to any considerable extent, except those within their respective limits; but we may inundate the Union with a spurious currency; and when the system shall be once commenced, no one can undertake to say where it is to stop.

In every aspect, Mr. Speaker, this scheme appears to me substantially the establishment of a Government bank. If the paper be designed as a circulating medium, the Treasury becomes a bank of issue and circulation merely. But the scheme goes further. It authorizes not only the payment of these notes to public creditors, but the borrowing of money upon their credit. What is this in effect but a banking operation? You apply to the Secretary, who is thus authorized to borrow, and propose to lend him half a million or a million of dollars. He is not in immediate want of the money. You offer, for a given sum in Treasury notes, to supply him with one or two hundred thousand dollars monthly, in munitions of war, in rations, or in money, until an amount equal to the value of the notes in the market shall be furnished. There is nothing in the law to prevent such a negotiation.

Mr. LEGARE said: As to the constitutional power of Congress, then, to issue these notes, under existing circumstances, I entertain no doubt at all, at least with reference to the objections mainly relied on in this discussion, and especially by the gentlemen over the way, (Messrs. FLETCHER, PHILLIPS, and CUSHING, of Massachusetts.) But to the issuing them without interest, or with a very small interest, for which I repeat my decided preference, another difficulty has been presented by my friend from Virginia near me, (Mr. ROBERTSON.) He maintained that as the constitution forbids any thing but gold and silver to be made a legal tender by the States, it implicitly requires that we should pay the debts of this Government only in specie or in what is equivalent to it. And yet, in almost the same breath, the gentleman proceeded to denounce the Executive for not being satisfied with the bank notes of the States, which he maintained are really not all depreciated. Sir, on this last head I agree

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with him entirely, at least so far as regards the state of our paper currency in the Southern States. I maintained when I first came here, what has been since demonstrated in a masterly argument in another part of this building,* and is strikingly corroborated by the recent fall in exchanges, that the price of bullion had been raised by an extraordinary foreign demand, and was no proof whatever of the redundancy of the circulation, which has been very much reduced within the last ten months, and is probably even inadequate to the necessary exchanges of the country, in the usual course of business. But if this is true, as I have no doubt it is, then the right of a creditor under the constitution to demand specie for his debt, becomes that *summum jus* which, all the world over, is *summa injuria*. And if this is the case as between individuals, why should a rule so very different be applied to the transactions of Government? Nay, the news brought us from New York this morning is that, while gold is only at 5 per cent. premium, Treasury drafts are at 4: for you must remark, sir, that the letter of Prime, Ward & Co., received just now, is dated at least a fortnight ago, and since that time a most decided change has taken place in the specie market as well as in foreign bills. I think, then, I am perfectly safe in affirming that there is no danger whatever of the contemplated Treasury notes falling below what, by the confession of the gentleman himself, ought to satisfy any man not bent upon enforcing a contract according to the utmost rigor of the law, in a manner inconsistent with equity and good conscience. We shall pay our creditors in what is 4 per cent. above those bank notes which are there acknowledged to be at their full value in reference to all other commodities but gold and silver.

[Here Mr. ROBERTSON said nothing was at par, which was not equivalent to gold and silver, or something to that effect.]

Mr. LEGARE. Then why find so much fault with the Government for demanding gold and silver of its debtors? The gentleman is plainly in a dilemma, from which it is not easy for him to extricate himself.

[Mr. ROBERTSON said, with the permission of the gentleman from South Carolina, he would make a brief explanation. He had not at all discussed the question of depreciation. He could not admit, however, that paper money was not depreciated. On the contrary, he insisted that it must always be regarded, in a legal sense, as depreciated when below the legal standard—gold and silver, without regard to the causes, whether it be a foreign demand or any other, which may have occasioned the difference. Still he denied the policy or justice of exacting gold and silver at this time in payment of the public dues; when it could not be procured but at a high premium, and when, indeed, there was scarcely any currency at the command of the people than depreciated paper. He thought

it was oppressive in this Government to exact this sacrifice—to reject that which the State Governments were content to receive; and what, in the ordinary transactions between man and man, it would be deemed immoral and dishonorable to refuse.]

Sir, I am charmed to hear the gentleman say so. Then why should the public creditor call upon the Government to do, for his benefit, an immoral and dishonorable thing; and why should he think himself wronged if we offer him what is at this moment four per cent. better than the paper which, according to the gentleman's own showing, ought to satisfy every equitable and conscientious man? But the truth is, I apprehend no difficulty at all from those to whom we shall have payments to make, and through whose hands these notes will, almost without exception, make their way into circulation. They will receive them cheerfully, and without hesitation; and although I perfectly appreciate the delicate and honorable scruples which some gentlemen seem to feel about offering, in satisfaction of the public dues, a paper ever so little inferior to the only legal tender recognized in the constitution, yet I cannot myself, in a matter left, after all, entirely to the free will of the party, consent to sacrifice substantial justice and the public good to what I must consider as a superstitious adherence to the mere letter of the law. Nobody, at all versed in these subjects, now regards the precious metals as any thing but an approximation, and often a very imperfect approximation, to a correct measure of value. They have been adopted from the necessity of the thing, as the two great "commodities of commerce" furnishing a ready medium of exchange for all others, and, on the whole, the best practical means of comparing them; but they are still, like the rest, mere commodities, subject to a very great fluctuation in value, according to the common principles which govern prices. The present state of things furnishes, in my opinion, a striking example of this important truth; and now, I ask, whether any really just man ought to complain of us if we offer him these notes, with the most perfect liberty to refuse them at his own discretion, and treat us as debtors on his unsettled account; if, in making that offer, we hold to him the frank, manly, and reasonable language dictated to us by the truth of the case, and the actual situation of the country—if we say to him "gold and silver, which is in strict law, though not in good conscience, your due, we have none? By an unforeseen and terrible revulsion, by contingencies beyond any human control, our debtors have been, and are still, unable to meet their engagements with us in the usual way. The country is in deep embarrassment and distress, and we cannot, even were we disposed to do so, press them to a literal compliance with their contracts, without involving our whole people, more or less, in the fearful consequences of the bankruptcy

* By Mr. King, of Georgia.

that would probably ensue. We give you, however, an acknowledgment of your claims against us, which will be everywhere nearly as good, in some parts of the country probably better, than the precious metals—which, at all events, is at a premium in reference to what you would not hesitate to receive from a private debtor; and we put it to your patriotism and your sense of justice, to decide whether we have not, to all substantial purposes, complied with our engagements." Sir, depend upon it, such an appeal to the good sense and the generosity of our fellow-citizens will not be made in vain.

The right of the Government, therefore, in every aspect of the case, being, as I conceive, fully established, the only remaining question is, in what form will these notes be most beneficial to the public? Whether it is better to issue them bearing an interest of not more than 6 per cent., or bearing either no interest at all, or a very small one, to be ascertained by the House? And this brings me to the differences between me and the chairman of the Committee of Ways and Means, or, to express it more accurately, perhaps, between the Senate and the committee of this House. Sir, I admit that these notes, at a higher rate of interest than I approve, would serve an excellent purpose as remittances to Europe; but exchanges, as we have seen, are already fallen nearly 50 per cent. within a very few days, and there is every reason to believe that as soon as the coming crop shall be brought to market, they will be down at par. But the prospect of an improvement in our domestic exchanges is unfortunately not so good. An immense debt is due from the West and the South-west to the great commercial capitals on the Atlantic, to the payment of which, notes bearing a high rate of interest will contribute no aid whatever. They will, you may rely upon it, sir, be instantly bought up by capitalists for investment. They will disappear entirely, as gold and silver have disappeared. In consequence of the shock given to all credit by the late revulsion, there are immense deposits in all your banks waiting for some safe opportunity to lay them out on any reasonable terms. The answers made to the circular of the Secretary of the Treasury have no weight at all with me, not only because, as I said just now, a very material change has occurred in the price of bullion since that date, but for several other reasons which need not be dwelt upon here. These notes are not intended to go into the market at all. My idea of the proper use to be made of them is, that they shall be passed away, as I have said, to the functionaries and creditors of the Government. I repeat, that I have no doubt that they will be readily accepted by them, and that the extravagant rates of exchange between the different parts of the country, will keep them up at a considerable premium in respect of the best bank paper, and nearly, if not quite, at a par with gold and silver.

Mr. CUSHING followed, in reply to Mr. LE GARE. He quoted Judges Story, Marshall, and other authorities, to show that Treasury notes were bills of credit.

Mr. FOSTER replied, arguing that Treasury notes, to become bills of credit, must be issued as a circulating medium. He denied that a high or low rate of interest altered the case.

Mr. CAMBRELENG pressed for action on the bill, and referred to pledges given by gentlemen of the opposition that a vote should be had this night.

Mr. WISE replied, admitting that he had given such a pledge, but for himself only.

Mr. W. C. JOHNSON obtained the floor, and addressed the House in a speech of great animation till late in the evening.

Mr. PHILLIPS read to the House, from a document recently received, and not yet generally distributed, in reply to a call for the correspondence of the Treasury with various individuals, touching the terms of their reception of Treasury notes for specie; and in which many commercial capitalists declined altogether having any thing to do with such a transaction.

Mr. RHETT moved an amendment, the effect of which would be, if agreed to, to make the bills payable "upon presentation," after the expiration of one year from date, and to divest them of the character of interest-bearing notes.

SATURDAY, October 7.

Treasury Note Bill.

The House resumed the consideration of the "bill to authorize the issuing of Treasury notes."

The question being on an amendment to the amendment proposed by Mr. RHETT—

Mr. RHETT modified his amendment so as to declare that the faith of the United States was pledged for the payment of the notes, on presentation, at six months after their dates, respectively.

Mr. BELL said: I concur most heartily with the sentiments expressed by the gentleman from South Carolina, (Mr. PICKENS,) the other day, in speaking of the new Treasury schemes which have been recommended for our consideration. I do heartily and truly believe that the destiny of this country, for good or for evil, will depend greatly upon the decision of the questions which they present. The mind fails in an effort to grasp the whole of this important subject; no powers are adequate to do full justice to the great issues which are involved. The argument embraces in its range the fate of the federal constitution, of free Government itself! Of all the causes which in modern times have deeply excited, agitated, and convulsed a people, but few had a more certain, rapid, and fearful tendency to engender a spirit of opposition to the laws and to revolution, than a debased and disordered currency. I need not refer to the examples which past history affords of this nature. I will not even revert to the deep feeling, the intense excitement, which

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manifested themselves in our large cities, at a recent date, in connection with this subject; but I will say, that such instances of popular excitement, upon such occasions, ought never to be lost sight of by the statesmen of this country, nor will they be either tauntingly referred to, or slightly regarded by any man who has any just claim to the rank and character of one. What I fear upon this subject is, that we have only arrived at the first stage of this disorder—that greater embarrassments, and yet wider spread mischiefs, await us in the progress of it; that the state of the currency is yet to become a subject of deeper and more permanent discontent; that the blindness of party prejudice, the obstinacy of party interest, and the infatuation of power, will defeat every prudent remedy, and bring on a crisis of open resistance to the laws, and leave the institutions of the country, both local and general, a prey to anarchy. This, sir, is my fear; and I regard this bill as one of the forerunners of a train of measures, on the part of the Government, which are well calculated to lead to this last and most fatal calamity which can befall a country. Mr. Speaker, I warn gentlemen that, if this administration shall be so infatuated as to persevere for any length of time in the policy of requiring the public revenue to be collected in gold and silver, and disbursed among the officeholders, contractors, and others, dependent upon the Government, while the only money in use among the people is bank paper, or any other paper of less value than gold and silver—if the distinction shall be attempted to be kept up much longer between the Government and the people—gold and silver for the Government and its trains of officials, and a depreciated paper for the people, resistance must and will come. It is not in the blood of the race of freemen which inhabit this free country to submit long and tamely to so unjust, exacting, and oppressive a course of policy. And let it be borne in mind by every member in this House, who shall record his vote in favor of this bill, that he thereby sanctions this arbitrary and unjust policy of the administration, and draws the line between the Government and the people! Pass this bill, and the Government is put above and made independent of the people; those in power will have the means of carrying out their policy in defiance of the popular will, at least until the people shall again have the privilege of interposing through the elective right. I have seen it stated, that this objection, that any distinction is made by the present course of things between the Government and the people, has been refuted, if not in this House, in another place; but, sir, I have not seen or heard the argument by which it was done, nor do I believe it to be in the power of argument to do any such thing. Again, sir, whoever gives his support to this bill, endorses and becomes responsible for the present course and future policy of this administration, in relation to the

currency, and every other interest connected with it. And let no one delude himself with the idea that there is nothing to be apprehended from the men in power, however mischievous or wicked their designs. Let us not underrate the genius and ability of those who possess the guiding influence over our public affairs at the present juncture. They are profoundly versed in the knowledge of men and of the motives to human action. They are also distinguished for great caution, secrecy, and skill in effecting their purposes. They possess another great advantage over most men who have attained their influence and station in Government and society. They are for the most part entirely reckless of all consequences, except such as relate to themselves, and affect their interests. Such persons—such advantages, are not to be slightly regarded by those who desire to restore the country to quiet and prosperity. Can we who sit here any longer doubt the skill of the administration in carrying their measures? Have the opposition yet succeeded—is there any probability that they will succeed, in effecting a single modification of any one measure of all those which were no doubt prepared before we sat out from our homes, which have been submitted to us merely, as it would seem, that we might confirm by our votes what long since had been resolved upon and fixed by the Executive Department of the Government? No facts, however stubborn or important—no reasoning, however conclusive and unanswerable—have the least effect; the measures must, and, it seems, will be carried. Although, sir, I am not in the habit of relying upon rumors which I hear out of doors, yet I have heard it stated from such respectable sources this morning, that the Secretary of the Treasury has had such entire confidence in the success of every measure proposed at the opening of the session, and, among others, the bill now under discussion, that the plates for printing the notes have already been engraved, and perhaps the notes actually struck off. If I do any injustice to the Secretary, I will openly acknowledge it the moment the statement shall be denied upon his authority. But, sir, if this be the fact, how idle, how absurd, are all our discussions here? Every thing is fixed and settled by an influence and power beyond our control. My honorable friend from Kentucky (Mr. UNDERWOOD) was not aware of the ground upon which he was treading last evening, in proposing his amendment, and in what a dilemma he would have placed the Secretary of the Treasury if he had carried it.

But, whatever may be the destiny of this bill, I will not forbear to show that it is founded upon a pretext which is utterly unfounded. Sir, there is no deficit in the Treasury which it has not been the policy of the administration to produce—which they have not designedly created, and which they cannot amply supply without the aid of this bill. I say, sir, that there is no evidence before us, or before the

public, that there is, or is likely to be, any deficiency of means in the Treasury to meet all the demands upon it during the remaining quarter of the year, except this bill; by which it seems that ten millions of dollars are required by the administration for the public service. Every other circumstance in the conduct of the administration indicates an overflowing Treasury. At the very moment, and during the entire period, within which it might be supposed this alleged deficiency of means in the Treasury would be felt or apprehended, what has been the uniform course of the administration? One of uniform extravagance and profusion, as far as the expenditures of the public moneys are concerned. Need I refer to the evidence furnished by the report of the Chief of the Engineer Department, which has been laid upon our table, that special instructions had been issued last spring that the moneys appropriated should be expended as speedily as possible? Need I recapitulate the facts, that four millions of dollars asked at the last session for the support of the Florida war, are stated to have been already exhausted, and one million and a half more are demanded, and yet the campaign has not opened; that, judging from the accounts which we see in the public papers, and from rumors, seven or eight thousand troops are about being collected to oppose some fifteen hundred hostile Indians and negroes? Does this look like an exhausted Treasury? But we need not go so far for proofs of the true condition of the Treasury. Look around you, sir, and reflect upon the scenes that are passing before our eyes almost every day. How many delegations from far distant tribes of Indians have we seen during this short session, decked out in all the extravagant and fantastic trappings of savage pomp and vanity, come, sir, for the purpose, and according to a now well-established system of policy, of supplying the deficits which have lately been felt in the coffers of some favorite officeholders, jobbers, or agents of some kind, which swarm upon your north-western frontier? We know, sir, that this has been regarded as a great abuse for the last ten years, yet we see it daily increasing. So imposing and pompous an exhibition of bands of savages from our Western frontier, I believe has never before been witnessed in this city, as during the present short session. We have regular and formal bulletins announcing their movements in all the daily papers of the city; and thousands of the resident and visiting population are frequently entertained by public councils held with them by the Secretary of War, in some of the public buildings in the Court end of the city. It is even left doubtful, whether the interest got up by these exhibitions has not surpassed, for the time, that inspired by the proceedings of Congress, weighty and important as the matters are which brought us together.

But, sir, there is a much better way yet of supplying any possible deficiency of means in

the Treasury, and at the same time of relieving the people as well as the Government. I have said there is no deficit in the Treasury but such a one as the administration, in the exercise of their discretion, and to further their schemes of future policy, had created. I have already shown that, by continuing the practice of drawing upon the deposit banks, as heretofore, the deficit vanishes; but, say the friends of the administration, we want to supply a medium of exchange; we wish to put into circulation a species of paper in the shape of Treasury notes, which will be a relief to the country just at this time. My remedy for any real or pretended deficit in the Treasury, and the one which is certainly called for by the suffering condition of the country, is to compel the Government to recognize and accredit the only circulating medium which has any existence in the country, by receiving and disbursing the public revenue in it. And the most surprising feature in the history of the times, is that a whole people would so long submit without tumult and open violation of the order of the Executive requiring all dues to the Government to be collected in gold and silver. Gold and silver no longer circulate—they are only to be acquired by purchase and by paying a price regulated like any other article of property, by the proportion between the supply and the demand. They are articles bought and sold just like any other commodity of trade, and have, moreover, been rendered scarce and high by the great demand which has existed to pay foreign debts, and by being hoarded in banks and by individuals. An example of equal daring, on the part of the administration of a Government, does not exist on record. The most arbitrary and despotic monarch that ever sat upon a throne, would not have dared to issue such an edict as went forth from the Executive of this Government after the deposit banks suspended specie payment; nor would the power of any such tyrant have been safe under such an experiment. It is only in a Government at least nominally free, and claiming to act in the name of the people, that such a measure could be sustained at all; and, but for the interests of party, which have for some years been paramount to every other in this country, even in this free government the administration would have been compelled to have convoked Congress, or to have permitted the public taxes to be paid in the circulating medium of the country within one month from the commencement of a different experiment. The present bill proposes to sustain this gross outrage upon the people; the attempt to collect a revenue of twenty-five or thirty millions of dollars, not in the circulating medium of the country, which the Government rejects and spurns, but in an article of traffic, in a species of property which must be bought at any sacrifice, and when it is collected is to be poured into the lap of a favorite and preferred class. No other Government could stand under such an experi-

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ment sixty days. I call upon the House, by rejecting this bill, to compel the administration to abandon this unjust, and before unheard-of policy.

Mr. BRONSON said: Mr. Speaker, I have listened to the debates on this bill, and given them all due attention; and the various objections which have been raised in the progress of this discussion against an issue of Treasury notes, have received from me attentive consideration.

I was in favor of the project from the first, if the state of the Treasury was such as to warrant it, and I have heard nothing yet which to my mind is a sufficient objection against it. Let us look for a moment to the ground which we occupy in relation to this matter, and the point at which we have arrived in this discussion.

Is it not, sir, a conceded point that the Treasury is nearly or quite exhausted—that in a short time it will be necessary to raise money, either by loan or otherwise, unless the unavailable funds now in hand can be realized? I shall not here go into a review of the financial condition of the country, or the state of the Treasury, as exhibited by the Secretary's report, or the various explanations of that report, which have been made on this floor. I assume the position that there is no money in the Treasury, or that such will be the case very shortly—and that money is needed to carry on the operations of the Government. We are told so by the Secretary of the Treasury, and by the chairman of the Committee of Ways and Means. The whole of this debate has proceeded upon that supposition; and with the exception of the honorable gentleman from Tennessee, (Mr. BELL,) and perhaps one or two others, such has been allowed to be the true state of the Treasury by all who have addressed the House on this subject. There can be no question that such is the fact, and the point that is now presented is simply, in what manner shall we replenish the Treasury; I say merely *the* Treasury, and *not* an exhausted or bankrupt Treasury; for, sir, we have ample resources, as soon as they can be realized, without resorting to taxes or duties. It is only necessary to resort to some temporary expedient to enable the Government to go on and to furnish the Treasury with the necessary means, until the debts due to the Government, and the ample but at present unavailable means which we have, can be realized without unnecessary distress or pressure upon the people.

You have now, sir, upon your table, a bill postponing the payment of duty bonds nine months, and another, allowing time to the deposit banks to pay the balances due from them, neither of which are yet acted upon in this House, but both of which, so far as any opinion has been elicited, meet with universal favor. In fact, sir, I doubt whether there is a member on this floor who is not prepared to support both of those measures; and gentlemen opposed to the administration and to this bill, are supposed to be particularly favorable to

those. Can gentlemen of the opposition, then, fail to see the effect that the defeat of this bill must have upon those measures? Are they sincere in desiring a delay upon the duty bonds, and the allowance of further time to the deposit banks, and yet oppose this measure, which if defeated must necessarily result in the defeat of both those bills? Are they willing to assume the responsibility of denying any extension to the banks, or on the duty bonds, which must be the inevitable consequence of refusing to pass this bill? I apprehend, sir, that gentlemen have not duly weighed these considerations, and yet it would seem impossible that they can have overlooked the fact that, by exacting immediate payment of the duty bonds and bank balances, not only the security or safety of the debts might be endangered, but that increased pressure and distress must be felt through all the ramifications of society; and yet, sir, how can that result be avoided if this bill is defeated?

But, sir, another and more weighty objection is now urged to this bill. After it had been debated nearly two days, it was suddenly discovered to be an enemy in disguise; a scheme fraught with all sorts of mischief to the country and danger to our institutions; in short, an incipient step towards a Treasury bank, as an entering wedge towards a permanent national paper currency. The changes have been rung upon these words in all forms and shapes, until the ear is weary of the repetition; and like the old United States Bank, which the gentleman from Massachusetts insisted had become a kind of "stalking horse" in this House, sir, this idea of a "Treasury Bank" "a Government paper currency" has become a kind of "stalking horse" to this bill, which is led in upon this floor by every speaker of the opposition, to frighten members out of their votes in favor of this measure. Now, sir, I am as much opposed to a Treasury bank as any of the gentlemen who oppose this bill; and I would go as far in opposing any measure which would be an incipient step towards such an institution, or towards the establishment of an irredeemable Government paper currency, as the most patriotic of them; but, after a very candid examination of the subject in all its bearings, and after a careful perusal of the bill, I cannot discover the lurking dangers with which other gentlemen seem to think it is fraught. I am not able to perceive any foundation for a Treasury bank or for a permanent Government paper currency lurking about the bill, or incident to it. It is, sir, a very plain, intelligible bill, just what it purports to be on the face of it, and meaning nothing more than is expressed; a mere temporary expedient, to enable the Treasury, by an issue of Treasury notes to a limited amount, to fulfil its obligations; thus anticipating the moneys due to the Government, and at the same time to do it without laying any taxes or new duties. The issue of Treasury notes is confined to ten millions, beyond which amount

no issue can be made; and, to make assurance doubly sure, I will myself propose the amendment offered in Committee of the Whole, by the gentleman from Maryland, (Mr. JOHNSON,) limiting the time within which these notes shall be issued to the first of June, 1839, or some other shorter time, so as to throw around the bill all those safeguards necessary to render it, as it is intended to be, and as it purports to be on the face of it, a measure merely temporary. By the passage of this bill, we shall, sir, be able to extend all reasonable indulgence to the Government debtors, at a time when it is not only the interest but the duty of the Government to do so; we shall furnish a temporary circulation which may and will be used, not only as a remittance to Europe, but between the different parts of the Union; which will have a tendency to equalize exchanges, retain our specie from foreign exportation, restore commercial confidence, and in every way relieve the country, without injury to the Government or danger to our institutions. I say without danger to our institutions; for, really, sir, I cannot see the least shadow of foundation for the apprehensions of gentlemen on that point. This is a measure which has before been adopted by this Government, and without any objection as to its constitutionality. It is no new experiment, sir; no trifling with the supposed powers given us by the constitution; but the judicious exercise of those powers clearly granted, and an exercise sanctioned as well by authority of a former Congress, as by sound discretion and a just regard for a suffering country.

Mr. HALSTED entered into an argument to prove that Treasury notes were bills of credit, and therefore not warranted by the constitution. He quoted the Message of General Jackson in 1836, Judge Marshall, and various decisions of the Supreme Court, in support of his position. He was, therefore, unwilling to give to the administration the power of issuing Treasury notes, as they evidently had no right so to do.

He contended that the language of the Secretary, and the bill itself, indicated that the notes were intended to form a constituent part of the currency, which of itself was a sufficient objection. He also opposed the bill on the ground that it provided no fund for the redemption of such notes, and quoted authorities to show that Government debts should never be incurred without some specific means being appropriated for their liquidation. It was likewise his opinion that the issue of Treasury notes would prevent the banks resuming specie payment. He could not vote for the bill, because it would lay the foundation of a Treasury bank, and add to the Executive power, so as to enable him to buy up the liberties of the people.

[A great number of amendments were then offered to the bill, and successively rejected; when—]

[Oct. 9.]—The question recurring on agreeing with the Committee of the Whole on the state

of the Union in the whole amendments to the bill as amended, (being a substitution of the House bill, as amended by Mr. SOUTHWATE's motion, as for the Senate's bill,) it was decided by—yeas 123, nays 99.

The question being on ordering the bill to a third reading, it was decided as follows:

YEAS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, John Calhoun, Cambreleng, John Campbell, Timothy J. Carter, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, James Garland, Rice Garland, Gholson, Glascock, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Kilgore, Klingensmith, Lawler, Legare, Leadbetter, Logan, A. Loomis, Lyon, J. M. Mason, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, S. W. Morris, Muhlenberg, Murray, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Pope, Potter, Pratt, Prentiss, Rariden, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Smith, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, Jared W. Williams, Worthington, Yell—127.

NAYS.—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Ayerrigg, Bell, Biddle, Bond, Briggs, W. B. Calhoun, William B. Carter, Casey, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Fillmore, Fry, Gray, Goode, James Graham, W. Graham, Graves, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Henry, Herod, Hoffman, R. M. T. Hunter, Jenifer, W. C. Johnson, Lewis, Lincoln, A. W. Loomis, Mallory, Marvin, S. Mason, Maury, McKennan, Menefee, Mercer, Milligan, M. Morris, C. Morris, Naylor, Ogle, Patterson, Pearce, Peck, Phillips, Potts, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Snyder, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, Albert S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—98.

The bill was read a third time and passed.

TUESDAY, October 10.

The Sub-Treasury Bill.

The House went into Committee of the Whole on the state of the Union, (Mr. SMITH, of Maine, in the chair.)

On motion of Mr. PICKENS, the Senate bill, for imposing additional duties as depositaries, in certain cases, on public officers, was taken up.

Mr. PICKENS said: Mr. Chairman, I am not disposed to trespass upon the attention of this committee, by discussing minutely those abstruse questions connected with currency and

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trade. I too well understand the sagacity of this committee, and its profound common sense, to detain them long upon those subjects. I know well, sir, that for a man to discourse here upon currency, trade, and commerce, at least if he expects to command the attention of this body, he must have a high character for experience, and be blessed also with a good old age. Yes, if he expects to entertain this House upon those abstruse questions, he must first put on the "powdered wig" and "fair top-boots," and place himself on the "tripod," and talk about trade and commerce beyond the waters, and in another hemisphere, thirty or forty years ago. Such a man would be listened to as a sage, particularly if he stepped forth as the advocate of some peculiar theory, or if he ascribed the prevailing embarrassments to some foreign or remote cause, or declared them to be owing to causes beyond our control; to something that operated deeply upon the community, which they could neither foresee nor avert! If one were to proclaim the doctrine that our suffering and ruin have sprung from over-speculation, over-trading, or extravagance, or a combination of them all; or if he were to say that many a man had been brought to bankruptcy and poverty by dashing forth in a coach and four, with splendid damask curtains, Brussels carpets, and broad mirrors, upon a capital in reality of but three hundred dollars, with a credit of thirty thousand dollars, he would advance such sentiments but to call down upon his head the denunciations of the wise in this enlightened age for his folly and his madness! But while I am not disposed minutely to touch these intricate points, I cannot altogether overlook them without a passing notice.

The immediate causes, sir, of our distress arise from that peculiar system of credit and currency which has, for the last five years, been enlarged so extensively both in England and in this country. In England, during the year 1836 alone, no less than two hundred joint-stock banks were created; the influence of which was deeply felt, first in that country, and then in this. Vast facilities were extended to our capitalists, while, also, they received an extension of the credit system here, connected with a peculiar juncture in our affairs during the same period. The Bank of the United States was about to wind up, or was supposed to be about to wind up, its concerns. For twenty years had that institution held a control over the currency and exchanges of the country, and hundreds, I might almost say thousands, of other institutions were created in order to supply the demand in the circulating medium which, it was supposed, would ensue upon the decease of that bank. We all know too, (I refer to these things as matters of history,) that a war at that time was carried on against that institution; and that, for the purpose of creating counter interests in society, the deposits of this Government were placed in local institutions; and that these latter, after

being made the fiscal agents of this Government, with an immense surplus, were expressly encouraged, nay more, enjoined, to enlarge their circulation. This, connected with the extended credit system in Great Britain, and the long peace which had engendered confidence, producing large investments of foreign capital in our stocks, had the effect of expanding our local currency and credits, and produced a gigantic system of speculation and enterprise never witnessed in any age or country before. I do not allude to the increased amount of mere issues alone; but the bills, checks, and other substitutes for money which these banks brought into circulation. This produced a bloated system of credit, which, with the apparent prosperity of the times, seemed to expand and place unbounded means within the grasp of almost every individual member of society. He seemed to breathe a new atmosphere, and gaze alone upon the splendid fortune that glittered before his excited imagination.

This system has one remarkably peculiar feature. It grows up, is fostered and nourished under free institutions. But there is another remarkable principle in it, that, after it has spread itself into all the ramifications of society, then, sir, those who depend upon it, and are deeply identified with it, (although at first springing up under free institutions,) soon become disposed to lean, for aid and support, upon any Government, no matter how despotic, rather than run the risk of a shock by reform or revolution.

The slightest irregular movement of the Government must necessarily produce an electric shock in this delicate and vital credit system, which would be felt, and extend from the centre to the circumference of all society. It can only live under a free Government, as far removed from it as possible; and, if it be once brought into contact with a lawless Government, it must either fall all together, or lean upon that Government for protection and support, and become intimately identified with it. Now I am about to refer to something which belongs to the history of this question, and which has happened within the last four or five years. To my mind, it is an example not to be disregarded, but presents a lesson of profound wisdom, which no one can reflect upon without profit. The war made upon the Bank of the United States, and the seizure of the public deposits—a seizure without law—caused local institutions to spring up like mushrooms, under the fostering care of an all-powerful hand here, dispensing distinction and patronage and wealth, until all society became, as it were, dependent upon his will and movements. Let no man be induced to create the same state of things again, when a bold and daring genius may be tempted to run the same career, and bring the property and honest industry of the country under the will and mercy of him who may give life and soul to this Federal Government.

This conflict produced a tremendous shock, and even the banking system itself, the local institutions, created for the express purpose of sustaining the warfare against that overshadowing central institution, have been paralyzed, for a time at least, under its desolating effects. And here I will say, that though I ever believed in the unconstitutionality of that institution, yet those who made war upon it never could have succeeded without raising up powerful local antagonist interests. The effect of that war was felt from one end of the country to the other, and the consequence was, that sagacious capitalists in stocks, ready for any result, began to look elsewhere for safe investments; and hence it was that we find such extensive investments in real estate, to the amount of forty millions of dollars, in two years alone, in the public lands, besides upwards of one hundred millions in other real estate speculations, such as town and village property, &c. This conflict against credit, deeply affecting currency, was anticipated by capitalists, who preferred risking the loss of something in the high prices of real estate, to a probable loss of all. It was at least investing in something beyond total destruction from an arbitrary Government.

Sir, when this change began, and the capitalists began to contract their credit, the banking institutions of the country also felt it incumbent upon them to contract too. And what was the result? Why, the result was exactly what we now experience.

Approaching this juncture, viz. in 1836, the deposit act was passed, to be carried into effect in 1837. I was a supporter of that law, sir, but I understood it at that time, as I now understand it to be, in the nature of a bill for general account and settlement with those institutions which had, up to that time, leaned upon, and been sustained by, the credit and fiscal action of this Government. They were therefore compelled by that distribution or deposit act, and particularly in the peculiar manner in which it was executed, to come to a general account. Their paper was necessarily compelled to be "convertible" paper, or they themselves compelled to suspend specie payments. This circumstance, connected with our immense foreign debt, and the demand thereby produced for specie, or its representative, abroad, brought about this result; that is, brought us to the present condition of the country, under a general suspension of specie payments by the banks.

But, Mr. Chairman, I will say here that the great and radical difficulty, and, in fact, the primary cause, that produced the present state of things, arises from the peculiar currency, which, in modern times, has so much extended itself in Great Britain and in this country, and its peculiar capacity for expansion and contraction, in the hands and under the control of banks and bankers; and particularly from the fact, that there, as here, the system has de-

pended upon and been so deeply identified with Government, and its financial action, for support and extensive credit. This is the real and radical cause which has produced this great shock in our modern banking and credit system.

Sir, under this suspension of specie payments the Government is found in a peculiar situation. Under the law of 1816 it can receive, in payment of its dues, nothing but gold and silver, or convertible paper, or notes of the then Bank of the United States; the latter clause became, however, practically repealed when these institutions suspended specie payments, thereby making their paper inconvertible. Then there was, in fact, under the provisions of the law, an immediate separation of the Government from the banking institutions of the country. Under the law, the Government could not take inconvertible paper, and convertible paper did not exist from one end of the country to the other, with the honorable exception, perhaps, of one or two banks in the State of Georgia, and a single small institution in the State of Ohio. And now, sir, the great question presented to this committee is, not whether you will separate the banks from the Government, because that is already done, but the great question is, whether and how we shall reunite the Government and the banks. Under this view of the case, we have three alternatives presented to us:

The first is, to reunite ourselves, or rather the Government, with the State institutions, in the manner in which they have been connected for the last three or four years.

The second is, the proposition creating a Bank of the United States, a national institution to conduct the fiscal operations of this Government, and regulate the exchanges and currency of the country.

The third is, the proposition on your table, sir, to separate the Government and its agents from all banks whatever.

Now, sir, as to the first proposition: if we do not separate the Government from the banks in this peculiar juncture of our affairs, we never can separate them. The system will be fixed upon us forever, and we compelled to run the same round we have done for the last three or four years in periodical terms, and then be in the same, or worse condition—distracted and embarrassed from one end of the country to the other.

Now, Mr. Chairman, I have heard a great deal as to the comparison between the State bank system, as it is called, and the peculiar policy of separating the Government and its agents from all banks whatever. I have heard too much declamation and no little denunciation of that system, that it is the most outrageous proposition ever presented to the American people; that it is, in fact, a Treasury bank. Yes, sir, I have heard much declamation upon that subject, both here and elsewhere, (better suited to newspaper politics than grave legisla-

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tion,) but I confess to you that that declamation only reminds me very strongly of the description of a certain grandiloquent class of poets which a profound and polished ancient critic describes as swelling—

*"Inceptis gravibus plerumque et magna professis,
Purpureus, late qui splendeat, unus et alter
Assutur pannus."*

It is not pretended that this system is perfect, because you cannot present any system to the people that is so. All questions upon which a practical legislator is called to act, involve more or less a comparison of evils, and we must not adopt any measure as perfect, but as embracing the lesser evil. We must go on to perfect details after the establishment of great and vital principles. It is neither pretended, sir, that this bill involves no patronage: it certainly does to a degree. But the question is, whether this system, or that of employing the local banks as fiscal agents of the Government, contains or involves the most patronage? Now, upon that point, permit me here to say that I feel myself committed, from a deep and an anxious reflection upon the question heretofore. The question is between the power and influence of an individual, and the power and influence of an incorporated bank. To tell me that a bank which chooses to go into the politics of the country, with its power to extend discounts and accommodations to its friends, and refuse them to its enemies, has no more influence than an individual, is to tell me what is contradicted by the daily experience of every man; even if that individual have millions of the public money in his possession for safe-keeping. Sir, the one system winds and spreads itself into all the secret and business recesses of society. Hundreds and thousands of honorable and high-minded men have been brought to degradation and sycophancy by this tremendous and almost invisible power. I have seen them around their domestic firesides, with every thing apparently to bless and gladden the heart of man, full of sadness and gloom; while even those who were the confiding and devoted partners of their joys and their sorrows, were in doubt and ignorance as to the causes of melancholy and dejection.

Sir, this system is as hidden as the air we breathe, and penetrates unseen, but, alas! not unfelt, into the most retired scenes of society. No man can tell upon what power he is depending when he looks for support, aid, and assistance from this system. No man can tell what the situation of his neighbor may be—what his obligations—his alliances and contracts, that swerve him from the path of independence and rectitude. Then how can you say that such a system as this, allied to, and dependent upon Government, has less patronage than that which makes an individual responsible for whatever public funds he may have in his custody, without the power of loaning, without the power of discounting, without the power of accommodating a friend, or refusing an enemy, unless he chooses openly to incur

the odium and penalty of crime and misdemeanor? It does seem to me that the question admits of no argument so far as the question of patronage is concerned.

But I have said, sir, that I felt myself somewhat committed on this subject. In 1835, a friend of mine from Virginia, (Mr. Gordon,) now not a member of this House, (and I will here take occasion to say of him, that he is a gentleman who would have done honor to Virginia in her proudest days of glory and fame,) presented the very identical proposition to this House which is embraced in the bill on your table. For that proposition, sir, I then voted. I acted from reflection, and from a conscientious conviction of the effects of that measure to bring about honesty in the Government, and secure the independence of the people. True, I was then but a very young man, and had but for a few weeks taken my seat in this House; yet, sir, I had made up my opinion from observation and reflection. And although young, yet, to use the language applied to another, I was old enough—

"Acta parentum jam legere, et quæ sit poterit cognoscere virtus."

Sir, I had formed my judgment then, and have not yielded it since. On the contrary, the experience between then and now has only tended to confirm my conviction.

I desire the Clerk to read the proposition and the vote upon it.

"The question recurred on the motion made by Mr. Gordon, to amend the said bill, to strike out all thereof after the enacting words, and insert:

"That, from and after the — day of —, in the year —, the collectors of the public revenue, at places where the sums collected shall not exceed the sum of — dollars per annum, shall be the agents of the Treasurer to keep and disburse the same, and be subject to such rules and regulations, and give such bond and security as he shall prescribe for the faithful execution of their office; and shall receive, in addition to the compensation now allowed by law, — per centum on the sums disbursed; so that it does not exceed the sum of — dollars per annum.

"Sec. 2. *And be it further enacted,* That, at all places where the amount of public revenue collected shall exceed the sum of — dollars per annum, there shall be appointed by the President, by and with the advice and consent of the Senate, receivers of the public revenue, to be agents of the Treasurer, who shall give such bond and security to keep and disburse the public revenue, and be subject to such rules and regulations as the Treasurer shall prescribe, and shall receive for their services — per centum per annum on the sum disbursed: provided it does not exceed the sum of — dollars per annum.

"Sec. 3. *And be it further enacted,* That, from and after the — day of —, the whole revenue of the United States, derived from customs of lands or other sources, shall be paid in the current coins of the United States."

This received 33 votes.

Mr. Chairman, it was not my desire, nor have I caused the vote upon that proposition to be

read, to show the consistency or inconsistency of any honorable member of this body. My sole and entire object was to prove that the present bill was no new proposition, and that, as far as I am concerned, it is the very identical proposition upon which I then voted coolly and deliberately. I have no desire, sir, to show that there has been any contradiction on the part of any gentleman on this floor, or that there has been any change in their opinions. It is with neither of those views that I had the proposition read. I will now quote a paragraph from the speech of the mover of the proposition, made at the time, as illustrating the views under which we acted, and which too truly portrays what has really happened since, and what, I fear, we will again see, if the system be continued. Mr. Gordon said:

"There is another consideration which has induced me to offer this amendment. We may all very plainly see that the contest for the Executive office is the rock on which the permanency of this republic is likely to be wrecked. And the vehemence of this contest will ever be in proportion to the Executive patronage. But for this, the office would have no allurements but for virtuous ambition; but with this concomitant, it exerts an influence which may one day prove fatal to the federal part of our system. If we do not separate the influence of the Executive from the interest of banking corporations, we shall have another controversy on the subject of banks. The political will be united with the money power; the contest must come; it will come. You will witness a struggle in this Capitol between State banks and federal banks; and the combatants for the President's chair will be found contending in different ranks of interest and influence, whilst they mar the peace of the country, and shake the pillars of the constitution. Separate them, I beseech you, representatives of the American people, if you wish to put down this fearful contest for the Presidential chair—I had almost said Presidential throne—separate, I beseech you, banking and politics. Let the banks facilitate the exchanges of commerce, and further the interest of trade; but let them, I pray you, have nothing to do with the Government."

The predictions of my friend have been fulfilled to the letter. What have we seen? You brought into existence a system of State banks, connected from one end of this Confederacy to another, receiving, disbursing, and acting upon those deposits, organized and controlled by, and responsible to one man, and then brought into overwhelming conflict, as I believe, with the freedom of elections. Sir, I speak plainly. I believed then, and I now believe, that this was the true source of power for the last three years. Gentlemen may speak as they please; they may deny, and say they have never seen or felt it; but who is it that knows any thing of the operations of banks—who is it, at all acquainted with their peculiar influence, who is not irresistibly impressed with their tremendous power? Sir, I believe they did more than any thing else to elect the present President of the United States; and am I now to be called upon, and urged to re-organize such a system, and

abandon the position I then assumed? The experience of the last three years strengthens my position. It may be denied, but I conscientiously believe that these institutions have controlled, more or less, not only the destinies of this Government, but the destinies of the people of this country during that period. Yes, we all know that at the last session of Congress enough was developed upon this floor to demonstrate that there was an organized system, acting through one man, giving energy to the whole, and for one and the same purpose. Yes, sir, we have seen this cordon of leagued banks, with their various interests, raising their banner from one end of the Union to the other, upon which was inscribed the infamous motto, "To the victors belong the spoils;" and calling upon their mercenary bands to gather in to the plunder of sacked cities and subjugated provinces.

WEDNESDAY, October 11.

Florida War.

The House proceeded to the consideration of the following resolution, submitted by Mr. WISE on the 19th of September:

"Resolved, That a Select Committee be appointed by ballot to inquire into the course of the Florida war, and into the causes of the delays and failures, and the expenditures which have attended the prosecution of that war, and into the manner of its conduct, and the facts of its history generally; that the said committee have power to send for persons and papers, and that it have power to sit in the recess, and that it make report to the next session of Congress."

Mr. GLASCOCK had moved to amend the resolution, by striking all out after the word "resolved," and insert the following:

"That a Select Committee be appointed to inquire into the cause of the Florida war, and the causes of the extraordinary delays and failure, and the expenditures which have attended the prosecution of the same, and all the facts connected with its history generally; and that said committee have power to send for persons and papers."

The question immediately pending was the motion of Mr. HOWARD to strike out the words "that a Select Committee be appointed," and insert "that the Committee on Military Affairs be instructed."

Mr. McKAY opposed the raising of this Select Committee, because the same subject was now under investigation in various ways. It had been referred to the President of the United States, who had caused an inquiry to be instituted, and had made a report in part, and he understood would probably report in full at the next session of Congress. Besides this, the chairman of the Committee on Indian Affairs (Mr. BELL) had moved to have this subject referred to that committee, and after a lengthy, and no doubt arduous investigation, the papers

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had been reported back to the House without coming to any conclusion thereon. He presumed, however, that, at the commencement of the regular session, the chairman of that committee would move to have the subject again referred to that committee, and proceed with the investigation. He could not, therefore, see the necessity of raising this Select Committee, because it was before the President of the United States, who had appointed commissioners to investigate the matter, and the gentleman from Massachusetts (Mr. ADAMS) had admitted that they had performed their duty faithfully, so far as they went, and laid before the House information which, to use his own expression, had made the blood tingle in his veins. They will doubtless lay the whole proceedings before the House at the next session of Congress. In relation to the causes of delays and failures of the campaigns, it will be recollected that an inquiry was instituted by the President at Frederick, at which all the officers engaged in the first campaign (Scott, Gaines, and Clinch) were fully examined, and the court came to the conclusion that the failures and delays of the campaigns were in consequence of the insalubrity of the climate, the impregnability of the swamps, and the absence of all knowledge of the topography of the country by the commanding generals, and the difficulty in transporting supplies for the army from one point to another. Here, then, at this tribunal, all the causes of the failures of the campaigns conducted by Generals Gaines and Scott were examined into; and it certainly could not be designed by the House to institute an inquiry in relation to the conduct of the present commander in Florida, (General Jesup,) at a time when he was just preparing and organizing his forces for another campaign. It would certainly be improper for the House to interfere with this campaign before there was an opportunity of doing any thing with it. It would be interfering with the legitimate duties of the Executive to send an investigating committee, with power to send for persons and papers, into Florida; and, by so doing, the whole of the benefits to be derived from the approaching campaign might be set aside. Mr. McK. next referred to the remarks of the gentleman from Tennessee, (Mr. BELL,) who had stated that the probable causes of failures of the campaigns in Florida had arisen from the deficiency in the number of officers connected with the army in Florida. He admitted that there might be some justice in this remark, but said the subject had already attracted the attention of the President of the United States, and referred to an order issued as early as October last, directing all officers of the army on detached service to join their regiments and companies, in which order the President had said that this state of things must no longer exist. If any notice was to be taken of this matter, however, by this House, it was the legitimate business of the

Committee on Military Affairs to take charge of it, and he hoped they would take the matter under consideration. In relation to the subject of expenditures, he admitted that they had been very large, amounting, he believed, to about seven millions: but he could see no necessity of appointing a select committee to take charge of this subject, when we have committees appointed under the rules whose special business it was to take charge of these subjects. He alluded to the Committees on the Expenditures of the Executive Departments, all of which committees he believed were composed of majorities opposed to the administration. The Committee on the Expenditures of the War Department should take this subject into consideration, and report upon it. Mr. McK. concluded by moving to postpone the further consideration of the resolution until the first Monday in December next.

Mr. WILLIAMS, of North Carolina, opposed the motion. If there was to be any investigation at all, it was as necessary and as practicable now as it could be ever. He hoped the committee would be at once appointed, and pursue the inquiries during the recess, so as to report, in whole, or in part, at the next session. He was opposed to the reference of investigations of alleged extraordinary abuses to standing committees, and replied to the remarks of Mr. HOWARD, of Maryland, who had made the pending motion to refer the subject under consideration to the Committee on Military Affairs.

Mr. ADAMS. The question is an entire new question. It is not now a question as to what committee it shall be referred to, but whether it shall now have the go-by altogether. The whole of the argument of the gentleman went to the point that it is unnecessary for this House to trouble itself at all about the matter, and would be just as strong an argument against the investigation in December as now. Mr. A. alluded again to the investigation made under the direction of Congress by the late Executive, and said that the horrible disclosures of that report convinced him still more strongly than ever of the necessity of the proposed inquiry. He replied to the suggestions of Mr. McKAY, with regard to the propositions of various committees, as the proper referees of the subject before the House. Among the rest, the Committee on the Expenditures of the War Department had been recommended by that gentleman. Mr. A. reminded the House that the committees on expenditures were sinecures, without pay, and without duty also. A chairman of one of them (Mr. HAWES) had told the House that he had never called the committee together, and did not even know his colleagues! Mr. A. had intended to offer a resolution to rescind the rule requiring that those committees should be appointed.

Mr. A. replied, further, to the argument of Mr. McKAY, that the constitution of the Committee on Military Affairs was the same in pre-

vious administrations as now. That was no good reason why it should still continue to be so, Mr. A. contended.

In allusion to there being on this committee eight members from the South, and only one from the Northern section of the country, Mr. A. said that the reason must be that the people of the North had no interest in the subjects referable to it. As to the interest of all the New England States, as well as those of New York, New Jersey, Delaware, and Maryland, in the benefit that would result to them from the enormous expenditures of public money in the prosecution of the Florida campaigns, Mr. A. admitted it was very little indeed. But they had a very deep interest in the amount of those expenditures, at all events. Were the army disbanded to-morrow, it would be money in their pockets; and he looked upon this fact as another exemplification of that profound philosophical theory of his friend from South Carolina, (Mr. THOMPSON,) who had said that the money of this Government flowed naturally towards the North. Since he had made these remarks, that gentleman had published his speech, and he had now turned the globe half round. The stream now flowed to the East, and not the North. Well, sir, be it then "the East!"

Sub-Treasury Bill.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole, (Mr. SMITH, of Maine, being in the chair.)

Mr. PICKENS said that he considered himself bound, by the deep interest he felt in the sub-Treasury bill, to move that it be taken up at that time. The motion prevailed—yeas 105, nays 35.

Mr. HOFFMAN was opposed to the sub-Treasury bill, because it violated the constitution of the country—if not its plain and palpable literal language, its spirit, which is its life-blood, and which alone recommends it to the people of the nation. That spirit is the principle that the people shall govern themselves. The mode of choosing public officers, the appointment of those officers, duties, &c., are but the trappings of the constitution. But this principle, which is its spirit, enters into the labors of the artisan, and the researches of the scholar. It should be the atmosphere by which we should be sustained and strengthened, and from which we should receive buoyancy and vigor to perform the duties of good citizens and patriots.

The connection between the Government and the people of this Union, Mr. H. looked upon as a great partnership. There should be a common credit or discredit, a common honor or dishonor, a common interest in all things between them. The distress, if there be any, of the Government should be reflected upon the people. The arm of power should not be wielded over the governed, to be looked up to as paramount. The people should not, while struggling amidst discontent, embarrassment,

and perplexity, be insulted by the spectacle of their Government walking free, unfettered, unembarrassed, and in prosperity.

Mr. H. remarked that it had been said that this was no new proposition; that England and France had furnished examples of similar schemes; and not long since (though perhaps not parliamentary to allude particularly to it on that floor) the great Mormon of this golden bible, (Mr. BENTON, of the Senate,) had instanced Rome also as furnishing a similar example. In reply to these allusions, Mr. H. adverted to the difference between the institutions of England and France and those of our own country, and asked, why not model our whole Government upon those examples? Why not establish the "divine right of kings" principle throughout; create a standing army, authorize a system of passports, and all the rest? And Rome, too; Rome had her questors, or public treasurers! Yes, (said Mr. H.,) she had; and they "grew by what they fed on." They followed the Roman eagles to conquest, and, in every situation, were ever the links between the worn-down people and the overbearing Government.

Mr. H. alluded to the provisions of the bill before the committee. The public money is to be given by the Executive to the different disbursing officers. Defalcation would ensue defalcation, as the consequence of this provision. Besides the direct pilfering and frauds of the officers who will have the charge of the public revenues, there would be the brawling sycophant, and the unscrupulous partisan, whose very bread would depend upon his subserviency to Executive dictation. He did not allude more to one administration than to another. This would ever be the case, were this bill to become a law. In case of an election depending in any State, or district, or town, there would be a call on the partisan officeholder's exertions. On one side would be his honesty, and on the other his office; and he would console himself, while making the sacrifice of the former to the latter, that the bread of his wife and children depended upon it. And who will call the defaulter in such a case to account? The Executive? This would never be; and, as to the Congress? That, too, was powerless. The proceedings of the last Congress, under similar circumstances to those described, afforded a sufficient proof that this was so.

Here Mr. H. alluded to the novel and monstrous doctrine which had been broached under the late administration, that every officer of the Government was accountable to the Executive alone; and he only to the impeaching power of Congress; and insisted that no people were ever strong enough to resist the union of the purse and sword of Government.

If the bill passes, he contended the money of the people would not be safe; it would be less safe than in banks, where the stockholders' interests require the selection of careful directors and officers, and where there were many hands, and not a single hand, to guard those

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interests. And to this point Mr. H. read from the Congressional Debates of 1835, an opinion of one who he wished could take a part in that debate, and sustain the views he had once expressed, and which he would now quote—views which he was confident the high regard for his opinions, entertained by the members of that House, would lead them to regard with great respect; he alluded to Mr. Speaker POLK, who, in the course of a debate in 1835, had said that “corporations were safer than any individual could be, as the depository of public moneys,” because corporations were bound together by the strongest ties of interest, with an immense aggregate of wealth, which furnished a safe security, &c.

Mr. HUNTER, of Virginia, said: Mr. Speaker, I arise under the painful sense that I am asking almost too much of this committee, when I throw myself upon its indulgence whilst I express my views in relation to the subject before us. But our present position is highly responsible; the consequences of our action in the existing crisis may be lasting to the country, and I wish to be heard in vindication of the principles which will govern my course. We stand, sir, in the midst of a great commercial revolution; we have just witnessed an explosion in the credit system, through which the stream of capital circulates and dispenses its mighty agency to the country. Old channels have been abandoned, new ones are being formed; and now, sir, when every institution of the land is trembling under the shock, and our most important interests are sympathizing with the distress in the circulating system of the body politic, the eyes of the people are turned in anxious solicitude upon our course.

They have suffered with exemplary patience under calamities which would have goaded almost any other people to tumult and bloodshed; and they have even foreborne to speak forth their grievances, as if fearful that the clamor might disturb the presence of mind of those whose peculiar task it was to work the ship of state off the lee shore upon which it was driving—“*Nec tumultus, nec quies*,” but there is that state of deep and silent suspense which more forcibly than by words seems to say that, upon this occasion, “our country expects every man to do his duty.” I feel, sir, a most painful sense of the responsibility of my position. On the one hand, I know that he cannot be justified on the plea of ignorance, who lightly tampers with the important interests now concerned in our action; and, on the other, if personal or party considerations were to deter me from doing whatever may be done for the relief of the country, I feel that my name would deserve to be pursued through all posterity with execrations. I might, perhaps, escape responsibility by declaring that, as I had nothing to do in producing the present distress, so I was bound to do nothing towards restoring things to a sounder condition. Sir, I scorn the excuse. I think I see something which may be done for

the good of the country, and I am willing to share the responsibility with those who will attempt it. In taking my course, I form no new connections, I make no alliances; I act as I was sent here to act. I legislate not for party, but for the good of our common country. I tread all personal and party considerations into the dust, when they present themselves in competition with the most important interests of the people.

Mr. Chairman, if I can free this Government from a corrupting connection, if I can aid in so moulding its action as to remove the causes by which it has disturbed the natural level of our circulating capital, and advance one more step towards that perfect freedom which American trade ought to enjoy, I shall be content, be my own fate what it may; but if I should unfortunately work harm where I mean good, I shall only regret that others will suffer under the consequences of my mistake. But, sir, I turn from these considerations to the great question before us. How can we exercise the powers given us by the constitution, and remould the fiscal action of the Government, so as to relieve the country of its sufferings, and prevent their recurrence again? It has been well said that debt is the evil under which we are suffering. The real balance of trade has been against us; the foreign creditor demanded the adjustment of this balance in specie; and the currency system of the country, having been inflated beyond its just dimensions, was unable to meet the demand for a conversion so sudden. What, then, can be done, sir, to relieve the people from this pressure? There are but two modes of relief from debt; the one consists in its payment, and the other palliates the evil by obtaining time, so as to divide between several years the burden which is too heavy for one. It is obvious that, as a Government, we have neither the right nor the means of paying the debt. Governments may spend money, but they never make it; and their attempts at political alchemy have always resulted, like the vain search after the philosopher's stone, in more expense than profit.

It has been said, Mr. Chairman, by McCulloch, one of the ablest political economists of the present day, that our system of banking is the worst in the world. I will not stop now to institute that comparison, or to examine his conclusion; but I shall demonstrate that its natural tendencies are to produce a state of things like the present, if I succeed in showing, first, that it causes a false distribution of capital, and, secondly, that it creates a diseased action in the credit and currency systems by forming an improper connection between them.

According to our banking policy these institutions have the exclusive right of making a paper currency; and their paper is only received in payment of public dues. To these exclusive privileges they unite the power of drawing interest from an amount greatly exceeding their capitals. Take, in connection

with this, the usury laws, which exist, I believe, in all of the States of the Union, and you have the result that capital, loaned through bank agency, will draw an interest greatly exceeding that which any other capitalist can derive from money lent. The loanable capital of the country will of course seek that investment, and fill those channels of circulation before it reaches any other; the consequences of the artificial direction thus given to capital, is its false distribution between the different sections of that country, and the different classes of society in that country, in which banks have those exclusive privileges. The loanable capital will seek the places in which these institutions exist, until it has exhausted the demand for it there, before it reaches those portions of the same country in which banks do not exist. It will do so, because, through bank agency, it can derive more than the legal interest within the sphere of its operations, whilst beyond that sphere its profits are confined to that interest. The system establishes, in effect, a bounty upon capital lent to the mercantile, and those classes whose labor brings a speedy return, at the expense of the agriculturists, whose returns are slow. Loans for thirty or sixty days are obviously more profitable than those for longer periods. It is the difference between simple and compound interest. The merchant, therefore, whose outlay is speedily returned to him, can thus afford to deal in these short credits, whilst the agriculturist, whose returns are generally annual, finds himself forced to pay compound, for what the merchant returns only simple interest. The effect of this is so much felt, although its causes are perhaps not generally understood, that in my State it is received almost as an adage, that no farmer can afford to go into bank. There is yet another mode, sir, in which the system produces a false distribution of capital. The available profits of these institutions, within the limits presented to them, are so great that they may become credit insurance offices. The directors, under these extraordinary advantages, may run the risk of insuring a favorite's credit when it is doubtful, when he may have no real resources, and thus the fair trader will be injured by the reckless and often ruinous competition of these men, who have nothing in fact to lose. This, sir, will always happen when a bank has supplied the demands of good customers without reaching the limits of circulation prescribed to them. The temptation to run this risk is so strong that they too often yield to it.

I come now, then, to the false and artificial laws of expansion and contraction, which are introduced into our currency and credit (as I maintain) by the banking system as it exists here. Instead of leaving currency and credit to the regulation of the great laws ordained by nature for that purpose, instead of leaving them to that self-regulating power which would adapt them to the changing condition of society, and harmonize them with each other, our Govern-

ments vainly practise their political alchemy, to the injury, and sometimes to the destruction of both. At their very creation, we arm these corporations with incompatible functions. We unite in them the money-making and the money-lending powers; and what, sir, are the inevitable consequences? Why, they make as much money as possible, that they may have the more to lend. They have a direct interest in issuing as much as possible, and they always do it. When their capitals are loaned out, they cannot add a dollar to the credit of the country, without making a like addition to the currency. The latter, under this system, is swelled to an undue proportion, and when once it is beyond its level, its overflow is inevitable. Debase it in the least degree, and its downward tendency is ever increasing. The moment you increase, in this way, the nominal or money price of commodities, the catastrophe is unavoidable. The merchant who deals annually in \$10,000 of bank credit, when wheat was \$1 per bushel, will require \$20,000 of the like credit to deal in the same quantity of grain. The banks which supplied the demand for credit, when wheat was at one dollar, are unable to meet that demand, when it is at double its former price. The cry is, therefore, "more banks," and more paper money is the consequence, until the proportion between the currency and the material wealth of that country is greater than in other parts of the world. If the real balance of trade then turns for a moment against us, a great commercial catastrophe occurs. And even if this should not be the case, the trade in our currency becomes more profitable than that in our commodities. This currency promises to be convertible into specie, which is of uniform value everywhere. The constitution of this country requires that it should be so convertible, and when the paper currency is purchased with commodities, the holder seeks a redemption of the pledge to pay in specie.

If the State Governments will have a paper currency, this is undoubtedly the safest mode in which they can put it forth. But a paper currency put forth by Government on any other principle, will always have the unfortunate effect of continually changing the measure of value by which contracts are to be adjusted. Different Governments adopt different rules of issue. The proportion of paper currency to material wealth is different in each. A man contracts, expecting to deliver by one standard, and owing to its change is forced to deliver by another. He receives, perhaps, in ounces, and is forced to return in pounds. This injurious change in the relations between debtor and creditor, leads to disasters and sufferings so often witnessed that I need not depict them. Other Governments have means of palliating the evils of this sudden change in the measure of value, not within our reach. When a demand is made for a sudden adjustment in specie, of contracts formed under the expectation that they are to be redeemed in paper, these Gov-

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ernments can, and always do, interfere to prevent this change in the relations between debtor and creditor. They make the paper a legal tender between man and man. Indeed, the English Government seems to be well aware of the necessity of making paper currency a tender, after it is once issued; it sees so clearly that contracts will always be made under the expectation of redeeming them in this paper, and that it would be impossible to force their adjustment in specie, that it has made the paper of the Bank of England a legal tender by a standing law of the land. Here we can resort to no such expedient. Nothing but gold and silver can be made a legal tender; a point of difference which no American statesman should lose sight of. What folly is it, then, to introduce by legislation a standard of measure in the formation of contracts, which can always be altered by the creditor at his pleasure, in despite of our laws! How vast and complex is the fraud which we thus practise upon our citizens, when we indirectly force them to contract by one standard, whilst the constitution requires them to pay by another! If a law were passed requiring every man who had contracted to deliver a bushel of corn to deliver two, the injustice would not be greater, nor the mischief more, than our paper currency has often produced.

But, Mr. Chairman, much as I object to the connection between this Government and the banks, on account of the disturbing causes which I think it introduces into the action of the currency and credit systems of the country, I have another objection still more powerful. I never wish to see the banks converted into political engines again. Of all the enormous additions which have been made to Executive patronage, in late years, I regarded its connection with the State banks as the most fearful. The army of office-holders, though you should count them as 100,000 strong, would confer not half the power upon the Executive which the possession of the State banks would give to him. Convert them into political engines to be worked by his hands; give him the control over the exchanges and currency of the country; give him the dispensation of bank favors, and if he were disposed to use them for personal advancement, he would scorn your title of king, and your gewgaw of a crown, as if the offer intimated a doubt of his absolute authority without them. If the choice of means were given to a wise king, who wished to maintain his power, he would not choose a nobility, said to be the natural support of the crown, but he would ask for some hundreds of corporations, wielding the money power of the whole country. He would ask for those whose deliberations might be secret, whose agents might be invisible, and whose march upon their purpose could only be diverted by that impulse of interest which he alone could regulate. Give him these, sir, and he would despise your standing armies and your orders of nobility as cumbrous

devices, unworthy of the refinement of the spirit of modern despotism. Mr. Chairman, I have always regarded the connection between bank and State in this country as a conjuncture most ominous to our liberties. Use the public money to buy up the State banks for the use of this Government, or of its Executive branch, and you at once convert them into political engines, you deprive the States of the control of their own institutions, and you place the people under the dominion of a league of corporate influences. Endow a moneyed corporation with the functions of Government, and you behold at once the most ruthless of all despotisms; and the history of human suffering and of East Indian oppression is not silent upon this subject. You may place the worst of men in authority, and he will have some touch of human feeling. Not so with a moneyed corporation. It deliberates in secret; it moves by the power of a majority, with no sense of personal and individual responsibility at the bar of public opinion; and it is governed by the single impulse of interest. You cannot move it to pity for the present, or to remorse for the past; for its action is mechanical, and not under the influence of feeling or of soul. I protest, then, sir, against any attempt to bind the moneyed corporations to one government, and by one common political purpose. I have given my reasons for objecting to any connection between bank and State, and, perhaps it may be reasonably required of me to suggest some better plan for the custody of the public treasure. If the selection were left to me, sir, I should adopt the plan of special deposits. The General Government should be independent of the banks as to the medium in which its revenues are collected, and banks would be independent of the Government when they were no longer exposed to the power of its rewards through the privilege of trading upon the public deposits. If such an arrangement could be effected by giving the banks a fair compensation for keeping the public money, at the same time that they were effectually restrained from using it, I should much prefer it to the scheme proposed by the Committee of Ways and Means. The pecuniary responsibility would be greater than that of individual collectors, and its custody of the public revenue would, perhaps, be safer. But the chief recommendation would be in the means which this plan would afford the representatives of the people to ascertain the state of the public money, if at any time there was cause to suspect either the ability or the honesty of the Secretary of the Treasury. I shall not fatigue the committee, however, with the details of a scheme which I shall not propose by way of amendment, as there would be no reasonable prospect of its adoption at present. I should greatly prefer a bill carefully framed upon this basis to the one now before us; but I give to that the decided preference over the other alternatives, of a United States Bank, or the connection between the Government and the State

banks. Doubtless, there will be difficulties attendant upon any scheme for regulating the custody of the public revenue. The money power, in all its combinations, presents the most difficult problem to be solved in the science of Government. But we must choose the best plan within our reach. It is idle to expect perfection in a system of finance. I go, sir, for the great principle of divorce, without committing myself to the specific details of this bill further than by the expression of a preference for them over the connection between bank and State. In that comparison, I have satisfied myself that it does not increase Executive patronage, as its opponents maintain; nor do I believe that its tendency will be to retard the resumption of specie payments. It, in fact, diminishes the Executive patronage by a larger amount than any other reform ever proposed under this Government. It subtracts the entire amount of bank patronage from the Executive, and, in comparison with this, the few additional officers to be created are as nothing. How is this bill, sir, to retard the resumption of specie payments by the banks? They will be afraid, it is said, of runs upon them for specie to be paid for public dues. This objection, sir, is more specious than valid. The quarterly receipts of this Government will range from six to eight millions. The greatest possible amount of the addition to be made to the legal currency, under this bill, would be six or eight millions, and, in point of fact, I am informed that a far less sum would suffice, as the public money is paid out nearly as fast as it comes in. Is it to be supposed, sir, that the eight hundred banks of this country could not meet such a requisition, if they were ready in other respects for the resumption of specie payments? But, sir, in point of fact, the requisition for specie upon the banks, or upon the country, under this bill, cannot amount to a dollar if these Treasury drafts be issued for circulation, as I presume will be the case. They furnish more than enough of medium for the collection of our revenues. The banks, Mr. Chairman, cannot resume specie payments generally until the foreign debt is nearly or wholly liquidated. When that is done, if they will elevate the value of their currency to the par of specie, partly by curtailing their circulation gradually, and within the limit of the present discount upon their paper, and partly by a judicious command of exchanges for converting their own obligations, they may then safely resume specie payments. Whenever their paper will command its par in specie in the market, they may safely undertake to give specie for it themselves. This I believe to be the only true mode of effecting the resumption, and this operation is entirely independent of the fiscal action of the Government. Rely upon it, sir, that a speedy resumption of specie payments by any other means would be impracticable, without producing more distress than we have yet seen in the community. To take their depreciated paper in payment of the public dues,

would rob them of all inducement to resume, as the Government credit would thus be worth more to them than it would be if their paper was convertible.

Mr. MASON, of Virginia, said: My great objections to the measures proposed in this bill are, that they are not at all commensurate with the exigencies of the times; they do not meet the real difficulty. The bill simply ordains that the Government, after a limited time, will receive nothing but gold and silver in payment of public dues, and will intrust its keeping to its own officers alone. Now, if there were a creative power in our law; if, by this simple enactment, the bank paper could be driven out of circulation, back whence it came, and the precious metals substituted in sufficient quantities to meet the wants of society, as well as the demands of the revenue, the chief ground of my opposition would be at once removed. I can well see, from the experience we have had of the evil tendencies of the banks to excessive issues, (and such, at present, are my decided impressions,) that, whenever the currency is placed in a condition to bear the tribute, the true policy of Government may be found to be to exact its dues altogether in coin, and to withhold its revenue, while resting between its collection and its disbursement, from the use of banks, as a fund to increase their discounts. My reasons for this I will give hereafter, when treating of the proper positions which the Government may ultimately assume toward the State banks.

The bill is to operate upon the currency as it now is; for we have not only no guarantee that it will be found in an improved condition at the end of twelve months, (the limited time,) but it is susceptible almost of demonstration that one necessary consequence from the proposed law will be to continue the currency in its present debased condition.

The precious metals, all will agree, are now banished from circulation. They are in the country, I grant you, and in sufficient quantities, perhaps, to answer their accustomed duty of circulating in those channels below the reach of bank paper; but they no longer pass from hand to hand as a medium of exchange. Their former exchangeable value has been converted, by the course of trade to which I have alluded, to a value exclusively marketable; and thus they have fallen back, and are entirely merged in the common and general mass of merchandise. Specie, whether in coin or in bullion, is now merchandise, and not money; and those who require it for any purpose must go into the market and buy it at market rates, as they would any kind of merchandise whatever. How long, then, is this state of things to continue? How long will this marketable value attach, which detains the coin from its most appropriate function as current money? And by what process can it be restored to circulation?

The answer to the two first inquiries is very

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simple. Specie will continue to be merchandise, so long as there exists any demand for it greater than that which would invite or retain it in circulation. It was driven out of circulation by the demand for exportation, after the business of the country had realized the fact that our exports were insufficient to pay for our imports. The balance must be met, and the precious metals were called out of circulation to answer this new demand. It is a necessary and fundamental law of currency, that where you have two media, of which either answers all the purposes of exchange, and one of them, besides those purposes, will answer another purpose as a subject of trade, the latter will fly at once to meet the new demand, and leave the duties of currency exclusively to its fellow.

So it was between the paper and the specie, when, by the exigencies of trade, the latter was suddenly called off to meet the new demand created by the necessity in commerce, of extinguishing the balances against our importers. There is no mystery in all this. Imports are to be paid for from those two sources alone: by the produce and labor of the importing nation, or by gold and silver; and whenever the former is found inadequate, the precious metals must make up the deficiency.

Thus stood the country when the banks suspended the payment of specie. They had an agency, and a large agency, I grant you, in bringing that necessity about; pampering, as they did, the pride of commerce. They met all its demands, honored all its drafts, as well in the rage for importation, as in those extravagant speculations to which the apparent prosperity of the age gave birth. But the banks are not alone to blame in this. It is due to the occasion, and will aid us in searching out the true remedy against a recurrence, to admit, candidly and fairly, that the Government itself saw as little the mischiefs that would follow from the extension of their credit, as the banks did themselves. It is a part of the history of the times, and should be recorded on the same page, that when the deposits were given to the State banks, they were expressly instructed to make them the basis of new incentives to commercial enterprise.

I do not speak this at all, sir, in the spirit of rebuke; far, very far from it. I adduce it only to show that the Government itself, against whom, as some have said, the banks have committed the unpardonable sin, was itself actively instigating them to that very extension, now so zealously condemned. How far the banks might have gone in extending their discounts, upon the immense deposit thus cast upon them, without this authoritative hint, none can easily tell. But it is fair and reasonable to infer, that this license in advance did not pass unimproved.

Having stated thus the actual condition of the currency, and briefly traced the causes which have led to it, let us inquire next what will be the probable operation of a law that

takes no account of its enfeebled state; but pre-emptorily demands, after a given day, that the entire revenue, amounting to some twenty millions of dollars per annum, shall be paid up in gold and silver. One necessary consequence, in my apprehension, would be, effectually to place it out of the power of the banks to resume the payment of specie within any reasonable time. How can it be otherwise? They suspended payment, because of the new demand for coin created by the exigencies of trade. They have not yet resumed, because, although that demand has entirely diminished, as shown by the rate of foreign exchange, yet there is still demand enough to warn them of the consequences of an attempted resumption, before the trade of the country is in a fit condition to bear it. Sir, the country is recovering fast from the violent and sudden convulsion into which it has been lately thrown. It cannot otherwise be, when we consider the immense resources of this vast continent, wielded, as they are, by a people whose industry and enterprise acknowledge no other limit than the very bounds of the earth. But the Government must keep its hands off; time must be allowed for the system to react, before any new or additional pressure can be borne.

If the necessities of circulation are not strong enough now to bring specie into general use, as part of the currency, because of the existing collateral demand in trade, does it not necessarily follow, that any new demand will have an additional effect in retarding that operation?

You create this new demand by the bill under consideration; pass it, and you at once increase the premium that specie already bears over the ordinary currency; you give it increased value in the market to the extent of such new demand; and to that same extent you postpone the day when it can return into use as a part of the circulating medium. Until that day comes, it is impossible for the banks to pay out specie upon their notes; they never can do so, until the demand upon them is reduced to a naked demand for circulation. If I am correct in this reasoning, the best that could be hoped for under the proposed law would be, that it should remain a dead letter upon the statute book.

I think I have shown that we could have no return to a circulation of specie under its auspices; and, if this be so, do you believe, does any man believe, that the law could be carried into effect?

What, sir, that the Government alone should be paid in silver and gold, while those who have the payments to make receive nothing but irredeemable paper! How vain and idle it is to expect any such thing. If, by any chance, or lucky accident, overruling those stern necessities to which all human affairs are subject, the exigency of the times should have passed by, before your policy begins, then it might, thus chance-favored, be that the scheme could be carried out. But it becomes us not to legis-

late upon such improbable contingencies. I want no better evidence of what the Government would be twelve months hence, under the operation of this law, than what is now daily passing before our eyes. There are, it is said, (and I presume with an approximation at least to the truth,) now in this country eighty millions of dollars in coined metal. By the existing law, (as there is no bank paper convertible into specie,) Government can now receive nothing but coin in payment of any part of its revenue. I ask, confidently, is any part of that revenue so paid? With all this abundance of the precious metals, fully three times as much as we have had at any former period, do we not all know, that none whatever is paid into the Treasury from any source of revenue. I mean none, when compared even with the lowest necessity of the public service. The mint, it is true, does furnish a small supply, barely sufficient, if at all, to meet those demands which coin alone will satisfy. But this does not come in any shape of revenue—far from it. It is purchased by Government, at market rates, and a premium paid upon every dollar that is brought in. Such is the present state of things, under the operation of a hard-money law, while the only money of the country is in irredeemable paper; and such must ever continue to be your condition, under the operation of any laws that you may pass, so long as the money which you require is banished, by whatever cause, from the channels of circulation.

I lay down, then, this position, and defy any refutation: that the Government must, as a permanent necessity, deal in that currency in which the people deal; it is the law of its creation, and inseparable from its condition. It must receive what the people receive, and pay what they pay—a necessity from which Government cannot escape if it would, and ought not if it could.

I speak of this as a permanent necessity, distinguished from the necessities of immediate want. It is struggling now against this very want, and precisely as any large capitalist might equally do, by using the resources of its credit to supply the temporary absence of revenue. Have we not just passed a law, authorizing an issue of ten millions of Treasury paper, for this very purpose? I mean for the single purpose of reserving the Government from the necessity of coming down at once to the irredeemable paper of the banks. And this only to answer the present emergency; for it will certainly follow, unless that medium can be restored, in which alone the Government is allowed to deal, that we must issue at least ten millions more, before we return home from the ensuing session. Sir, I went cordially with you in this use of Government credit; and I will do so again should the emergency continue. But I tell you fairly and candidly, and I tell the people, too, that this Treasury issue is all that saves the Government now from coming down

at once to bank paper. I say this, sir, because your revenue laws exacting gold and silver, are not and cannot be enforced. If you collect any revenue, it can only be in that very paper, because there is nothing else to pay with.

Suppose, then, your law passed, and the currency remain, as under such policy it inevitably must in the condition that it now is; what are you to do? If you could enforce the law then, I ask why do you not do so now?

Why do you not now compel your debtors to go into market and buy specie, in order to replenish the Treasury? So far from this, we have now a bill before us, and which it is admitted on all hands must pass, to save the Secretary from the necessity of so idle an attempt. With more than four millions of dollars now due in New York alone, so far from exacting payment, we are about to give further time on all bonds due and to become due between this time and the next session of Congress.

I say, then, confidently, pass what law you may, you cannot have your revenues paid in specie, so long as it remains at a premium; and that the very first effect of this law, by creating a new demand, would be to increase the premium, and thus render permanent the very exigencies to which your legislation is now actually yielding.

But take another view of the subject. Suppose the law carried out, what then would follow? The importer, besides all other charges for freight, insurance, duties, &c., is required to pay five or ten per centum for specie to pay the duties. Certainly this latter would be added to the price of the commodity; and thus the whole effect of your policy would be to tax the people to this extent, in order that Government might deal in gold, while they were left to struggle on, unaided, against all the ills of worthless paper money.

My view of the subject, then, is that, by passing this law now, you postpone to an indefinite period the resumption of specie payments by the State banks; that until they do resume, the law must be inoperative, and the Treasury supplied by loans; or, if enforced, besides creating a new and heavy tax upon all foreign merchandise, the sole effect will be to enrich the office-holders, and all who feed upon the public crib, at the expense of the rest of the community. I know, sir, that this last objection has been scouted as mere slang, as part of a mere "rabble," and unworthy of notice. But I tell you that it has never been met, and that it cannot be overthrown. I do not believe (and that disbelief is founded on the experience of the present day) that such a law could be carried out; but if it were, the host of Government dependents would grow rich under it. They would have money worth five or ten dollars more in the hundred than the money used by the people; and the people would be taxed to the extent, of this five or ten dollars in the hundred, to furnish the former with the better currency.

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The great forcing process now in contemplation, will work the very reverse of what was then so strenuously urged. It will put all our golden dreams to flight, of the halcyon days of hard money, and the States will be compelled, from sheer necessity, to license once more the very lowest issue of bank paper. Seeing these things, as I clearly do in prospect, under the operation of the proposed law, I can have no choice but to raise my voice against it.

As to so much of the bill as constitutes the collectors of the revenue, with the mint and its branches, depositories of the public money, I have but little to say. It is certainly subject to very strong objections, not the least of which is, the very great increase of patronage to which it must give rise; and a patronage of the most dangerous influence, as being so immediately connected with the public money. Neither is this objection at all answered, when it is said that the patronage will be less than that exercised in the intercourse between the Government and the deposit banks; because, by the simple substitute of a special for a general deposit, all patronage will be at once taken away; and on the score of safety, the difference is incalculable.

Whether I regard, then, the pernicious influence which this bill must exercise upon the currency, if now enacted into law, or the inadequacy of its provisions for the safe-keeping of the money, I am equally constrained to withhold my assent. In the first aspect, it has never been submitted to the country, and has had very little consideration here. The innovation is too great, the transition too violent, from all previous usage, to be thus suddenly met.

[The debate was further continued by Messrs. Robinson, Haynes, Calhoun of Mass., Pope, Cushman, and Wm. Cost Johnson.]

FRIDAY, October 13.

Remuneration for Losses in the Florida Campaigns.

On motion of Mr. WHITTLESEY, chairman of the Committee of Claims, the House took up the bill reported by that committee, to amend the bill making provision for the remuneration of volunteers and others, for horses, &c., lost in the military service of the United States.

[The Committee of Claims accompanied this bill with a report, stating

"That several claims are presented to the committee, arising from the horses and saddles, and other equipage of disbanded mounted volunteers, having been turned over to the United States, by the order of General Jesup, as it is alleged, when said volunteers were dismissed from the service.

"It is represented to the committee by Colonel King, acting adjutant to Colonel Caulfield's regiment of Alabama mounted volunteers in Florida, that most of the claimants with whom he is acquainted are

young men who obtained their horses and equipage on credit, and that they are obliged to look to the United States for the value of the property to enable them to make payment to the persons of whom they purchased. Most, if not all, of the claimants were sick at the time they were dismissed, or left the service on furlough; and it was thought best by General Jesup that they should return home by water, rather than encounter the fatigue, hardships, and danger of returning home by land. The committee, at the last session of Congress, reported a bill for the relief of James L. Kenner, whose horse was turned over to the United States by the order of the commanding officer, on the discharge of said Kenner by reason of sickness.

"The committee refer to that report in the first volume of Reports, No. 3. The number of claims that will be embraced under a general law, Colonel King thinks may be one hundred. It appears to the committee it is expedient to provide for this class of cases by a general law."]

The House having resolved itself into a Committee of the Whole on this bill, (Mr. BRIGGS in the chair,)

Mr. CARTER said he was not opposed to the bill now under consideration, except that its provisions were not sufficiently extensive. It did not embrace a class of cases of real hardship that he believed existed. He said he would take this occasion to bring to the notice of the committee, and at the same time suggest to the honorable chairman of the Committee of Claims, that there were among the volunteers some cases of real and peculiar hardships, that were not yet provided for by law, although great exertions were made at the last Congress in their behalf; and he would now tender to the honorable chairman of the Committee of Claims his acknowledgments of gratitude for his assiduity and exertions favorable to the relief of those patriotic young men he had the honor to represent, and who had sustained losses in the service of their country.

Sir, I will take occasion to say here that, in my opinion, (if the reports be true that have reached my ears,) the Government has not dealt as kindly and as liberally as she should have done towards the volunteers of Tennessee. We provided by law at the last Congress, that the soldiers or volunteers who had rendezvoused, were mustered, and immediately discharged, should be paid one month's full pay; and, by the estimates furnished the Committee of Claims by the War Department, one month's full pay was made to amount to between \$65 and \$70, I think, perhaps, \$68 and some cents; and, by the decision of the Attorney-General under the old law, another class of those volunteers, that were indefinitely furloughed, and required to return to service if they should be ordered to do so, were to be considered in service until absolutely discharged, and consequently were entitled to their full pay. I have heard some hints, sir, that the War Department has not carried into effect this law, and this decision, as was contemplated by Congress and those representatives who were look-

ed to to guard and sustain the rights of those particular individuals. I do not know, sir, how far the War Department has failed in a compliance with the law; nor have I any idea as to what extent those volunteers have been injured by the defalcations of the Government. But I hope, and I have no doubt, I will be able to obtain the information; and, if my fears are realized, and they have been defrauded out of any portion of the amount that Congress intended they should have, and I cannot obtain redress by an application to the Secretary of War, I will feel myself bound to bring the subject again to the consideration of this House, believing that the representatives of the people are ready upon all occasions to do justice to the people. And I am glad now to have the assurance of the honorable chairman of the Committee of Claims, that he will afford all the aid in his power to render to the volunteers of my State ample compensation for their service and their losses, at the next meeting of Congress. I have also a right to complain, on behalf of these men, in another point of view. I am informed our volunteers were paid off in the depreciated bank paper that was perhaps ten or fifteen per cent. below par. If this be true, and my former suggestions be true, that they have not been paid as much as Congress intended them to have, why, sir, your volunteer soldiery of Tennessee have been cheated and defrauded out of half, or at least a large portion of their just dues. And if so, we must ask Congress hereafter, whenever the true state of facts can be ascertained, to grant such relief as the merits of those claimants may justly and honestly demand. And I have no doubt, from the disposition heretofore manifested by this House, and by the Committee of Claims, in relation to this deserving and meritorious class of claimants, that ample relief will be awarded them.

The bill, then, having been ordered to be engrossed, was read a third time and passed.

The Sub-Treasury Bill.

On motion of Mr. CAMBRELENG, the House then went into Committee of the Whole, and resumed the consideration of the Senate bill imposing additional duties on certain officers.

Mr. LEGARE, of South Carolina, after an extended elementary view of currency, went on to say: Sir, I have been driven to this elementary way of considering the subject, by the course which the argument has taken here and elsewhere, and because, in solemnly reviewing, as we are now compelled to do, the whole monetary system of the country, it is of the very last importance that the subject, in all its aspects, should be fairly presented to the people. I shall, therefore, proceed briefly to consider the question, how far it is practicable or desirable to substitute a metallic currency for bank paper, or even very materially to widen the metallic basis of our present circulation.

I presume it will hardly be disputed that, by a general return to the precious metals, as the

only medium of exchange for the whole commercial world, the operations of trade would be everywhere embarrassed and impeded, and the value of money enhanced; or, which is the same thing, the prices of commodities reduced in an incalculable degree. How far a similar effect has already been produced, by the diminution of the supply from the Mexican and South American mines, within the last twenty years, is one of the most difficult and controverted questions of the day. This is not a fit occasion for stating the arguments advanced by the advocates of different views of that subject, but I will mention to the committee, that in a very able work, to which I have already referred as having been recently sent to me, the author, who examines this point with perfect candor, advances the opinion, that thousands have, within the period alluded to, been precipitated into embarrassments from that cause alone.* If it be true, as is alleged by Jacobs, that the whole stock of coin in circulation in 1829, was less, by upwards of £60,000,000, than that which circulated in 1809; and if any thing like the supposed diminution of the actual quantity by abrasion, by loss, by consumption in manufactures takes place, (one per cent.* a year,) it becomes a matter of serious speculation, what means shall be adopted to obviate so great an inconvenience as a continually decreasing metallic basis, at a period when commerce and its productive powers are so immensely on the increase. Sir, that question is infinitely more interesting in a highly progressive country than in any other. In such a country, the currency must be regularly enlarged, with the growth of its population and of its productive power, or it is subjected to the most terrible of all evils, falling prices. Everybody that has ever treated of such subjects, has dwelt upon the effects of an increasing currency, as wonderfully favorable to industry. No more striking example of this truth can be desired than what was witnessed in the 16th century, after the importation of gold and silver from America began to produce a decided effect upon the distribution of wealth. It is admitted on all hands, to have been the period of the greatest improvement in society that has occurred in its history; and of all countries, be it remembered, England benefited most by the general rise of prices, because so large a portion of her farmers held leases for long terms of years, and paid money rents; the increase of the circulation operating to reduce the real value of the returns made to the landlord in favor of his tenant. The great benefit of a full, and especially an increasing circulation, thus consists not only in quickening and facilitating exchanges, (itself an immense stimulus to industry,) but in securing to the industrious classes rather a larger proportion of the income of society than they would otherwise enjoy. Every thing which they buy to sell again advances in price while it is

* Money and its Vicissitudes in Value.

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in their hands, and this unquestionable truth is of itself a total refutation of all that is said concerning the oppressive operation of bank paper upon the productive classes, by the very persons who, in the same breath, speak of its excess and depreciation.

With a population, then, increasing at the rate of four or five per cent. a year, and with an accumulation of capital and productive power proportionably greater, I hold it to be utterly absurd to talk of any thing like a metallic currency in the United States. There is no possible means of procuring it; and if by any means it could be procured, I venture to affirm that our people would get rid of it in the course of a few years, though all the penal laws of Spain against the exportation of gold and silver should be re-enacted here—laws which were passed with no other effect, even in that country, but to show the utter futility of such legislation. I say, sir, that, with their present habits of active enterprise and strict economy, the American people would export the precious metals as fast as they were imported, beyond any amount of them which might be absolutely necessary for the domestic exchanges of the country, and they would do so, because gold and silver would be of more use abroad in purchasing commodities, and would be wholly superfluous at home, where paper would do as well. If you put down "the banks," it would have no effect but to set up something worse in their place, in the shape of private paper. There are some things over which the most despotic lawgivers are unable to exercise any control; and one of them, as all experience shows, is this commerce in bullion.

Sir, it has been said that the only advantage of a paper currency over the precious metals, consists in its cheapness. I am by no means, as you may gather from what I have said, ready to admit this; but supposing it to be true, is that saving really an unimportant matter? Mr. Gallatin, in a pamphlet of signal ability,* has, as I conceive, fallen into a grave error on this subject, which it is so much the more important to rectify, as I perceive that he has misled others more disposed than himself to turn a speculative error into a practical mischief. He states the whole benefit derived from the use of paper, instead of the precious metals, in the United States in 1830, including, under the name of circulation, private deposits in the banks, as they ought undoubtedly to be, at about five millions of dollars a year. It is true that, according to principles admitted by Mr. Gallatin, the progress of the country, both in wealth and population, in the last seven years, would require a very considerable addition to be made to this estimate, in order to a correct application of it to our actual condition. But, sir, it appears to me that the estimate was made on data altogether erroneous. In the first place, the quantity of currency, if it were me-

tallic, necessary to the circulation of this country, was prodigiously underrated. For reasons that need not be stated here, it is found that a given amount of metallic currency does not circulate as rapidly as an equal amount of paper, and, therefore, that more of it is, *ceteris paribus*, required to do the same business. But, without going into such minute inquiry here, why should the United States, with sixteen millions of inhabitants, and relatively the most active trade, both foreign and domestic, in the world, and with extraordinary productive power of all sorts, not need, at the very least, half the circulation in France, with only double their population, and not half their industry? The stress that ought to be laid on this latter circumstance may be illustrated by comparing Asia with Europe in this particular: double the population in the former, possessing, according to the most accurate researches, only one-fifth the quantity of gold and silver, which, in addition to paper of all sorts, is required in the latter. Now, the circulation of France was, before the first Revolution, set down by Neckar at £88,000,000;† and Thiers, in his history of that event, makes a similar estimate.‡ Its present amount ought, in reference to the increase of her capital and population, to be at least 600,000,000 dollars; and accordingly, as was observed by one of my colleagues, (Mr. THOMPSON,) it is stated at that on good authority.§ Mr. Rothschild, in his examination before the committee of the House of Commons, in 1832, mentions the paper circulation of the Bank of France as amounting to 750,000,000 francs. According to this, then, we should require, on the footing of population alone, at least 300,000,000 dollars. So much for the amount; now for the loss upon it.

Mr. Gallatin considers it only as so much interest on dead capital, and even the interest he puts at an exceedingly low rate. But I apprehend the difference to the country between having a vast inert mass of gold and silver as currency, and turning it into productive capital must be determined not in relation to interest merely, but to the profit of stock laid out in active industry, which is nowhere in this country less than ten per cent., and in the great majority of cases, the new States and all included, nearer double that amount on an average. You see, then, sir, what an enormous loss a metallic currency would be to the nation, without taking into account its wear and tear. Look back at the half century that has passed away, and say what that loss would have been, on principles of compound interest, from the beginning up to the present day. Why, sir, it exceeds all powers of calculation, nay, of imagination. Do not suppose for a moment that so important, so palpable a truth, although never stated in abstract terms, or as a general propo-

* See an article in Blackwood's Magazine for last February.

† Burke's Letter on the French Revolution.

‡ Thiers's Hist. de la Revolution Française, v. 5, p. 24.

* Considerations on the Currency and Banking of the United States. Philadelphia, 1831.

sition, has not occurred to the people of the United States. They have felt it, without perceiving it; they have acted upon it, without reasoning about it; they have perfectly well comprehended the uses of money, without studying the principles of currency; and they have preferred paper as a circulating medium to gold and silver, on the simplest maxims of prudence and economy. You may depend upon it, this conclusion is as deeply rooted as it is just. You will never be able to shake it. All your policy will be of no avail, as all legislation will be forever vain which comes into conflict with the genius of a people, especially in matters so deeply and visibly affecting their private interest. The barbarian who, in his impotent rage, threw fetters into the Hellespont, and scourged its foaming billows, did not wage a more insane war against the nature of things.

But we are told that if it is an experiment that has been proposed to us, we need not be alarmed at it, because we are accustomed to experiments, and successful ones; that our constitution itself is a mere experiment. Sir, I deny it utterly, and he that says so shows me that he has either not studied at all, or studied to very little purpose, the history and genius of our institutions. The great cause of their prosperous results—a cause which every one of the many attempts since vainly made to imitate them on this continent or in Europe only demonstrates the more clearly—is precisely the contrary. It is because our fathers made no experiments, and had no experiment to make, that their work has stood. They were forced, by a violation of their historical hereditary rights under the old common law of their race, to dissolve their connection with the mother country. Their external, their federal relations were of course changed, and in that respect, and in that respect only, they were compelled to do their best in the novel situation in which they stood. What relates, therefore, merely to the union of the States is all that gives the least countenance to this superficial idea of an “experiment” which has done so much to misguide the speculations of some visionary minds upon these important matters. Even in this respect, however, an attentive study of our history will show that strong federal tendencies existed, and had, frequently, on former occasions, manifested themselves.* But the whole constitution of society in the States, the great body and bulk of their public law, with all its maxims and principles, all that is republican, in short, in our institutions, remained after the Revolution, and remains now, with some very subordinate modifications, what it was from the beginning. Our written constitutions do nothing but consecrate and fortify the “plain rules of ancient liberty,” handed down with Magna Charta from the earliest history of our race. It is not a piece of paper, sir, it is not a

few abstractions engrossed on parchment, that make free Governments. No, sir, the law of liberty must be inscribed on the heart of the citizen; the word, if I may use the expression without irreverence, must become flesh; you must have a whole people trained, disciplined, bred, yea, and born, as our fathers were, to institutions like ours. Before the colonies existed, the petition of right, that Magna Charta of a more enlightened age, had been presented in 1628 by Lord Coke and his immortal compeers. Our founders brought it with them, and we have not gone one step beyond them. They brought these maxims of civil liberty, not in their libraries but in their souls; not as philosophical prattle—not as barren generalities, but as rules of conduct; as a symbol of public duty and private right, to be adhered to with religious fidelity; and the very first pilgrim that set his foot upon the rock of Plymouth, stepped forth a living constitution! armed at all points to defend and to perpetuate the liberty to which he had devoted his whole being.

It only remains for me to advert briefly to one or two additional topics, and I have done. It has been argued as if the currency given to bank paper in this country were due almost exclusively to the countenance which Government affords it, by receiving it in payment of public dues. Certainly, sir, the patronage of Government is an important concurring cause of this credit, but it is not true that it is essential to it. What does the house of Rothschild owe to the Governments of Europe—that house to which all the Governments on the continent are obliged to have recourse in their financial exigencies? And here let me call the attention of those who declaim so vehemently against the agency of banking corporations, to the fact, that this mighty house, with its scarcely less than royal influence and splendor, like most of the other establishments of the same kind in Europe, is no corporation at all, but a mere private partnership; and to the additional fact, that this colossal fortune has been amassed in little more than a single generation, by an obscure person, born in a corner of the Juden Strasse of Frankfort on the Main, and his four sons. Do you not see, then, sir, that the odious common-places, about “the money power,” and the “political powers,” either have no meaning, or apply with all their force to every accumulation of capital, and all the great results of modern commerce? The “money power,” I presume, signifies “the power of money,” which is widely diffused in this country, thanks to the protection of equal laws, and which will exist and continue to have its influence so long as those laws shall protect it from confiscation, whether it shall borrow the credit of the Government, or the Government shall borrow its credit. It is scarcely necessary to notice an idea, analogous to the last, which has been very much insisted on, and that is, that the commerce of New York has been built up by Government credits. Why, sir, this does appear

* Convention at Albany, &c.

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to me too extravagant to need exposure. New York has been built up by her unquestionable natural advantages, and there is no measure of this Government—there is only one event that can possibly deprive her of her immense commercial ascendancy, the dissolution of the Union—that, and nothing but that, can do it. Commerce, as I have already remarked, leads everywhere to centralization: look at Liverpool—look at Havre, the last is a hard money country. But on this head there is a very important consideration, which has been urged with all his admirable eloquence by one of my colleagues in the Senate, (Mr. PRESTON.) If this concentration of commercial business in that city be injurious to the others now, what will it become if, by collecting the revenue in gold and silver, and thus making gold and silver mere merchandise, you add to the disadvantages of centralization all the difficulties of procuring coin; make New York the great specie market; and render the whole country tributary to the money changers of Wall street?

Sir, a word more to the South, and for the South! When your system of protection was still in all its vigor, we (I mean the people of South Carolina) sent you a protest against its principles and tendency, which contained, among other objections to it, one that deserves to be repeated here. We told you that we depended absolutely upon commerce—commerce on the largest scale—commerce carried on as it has been for the last half century, with an ever-increasing production, provoking and creating an ever-increasing consumption, and permitting us to send a million (now a million and a half) of bales of cotton into the market, without any danger of a glut. We told you the staple commodities, especially the principal one which we produced, were among the very few in the production of which slave labor can enter into competition with free. We reminded you that great revolutions in trade sometimes arose from apparently slight causes, and that, however far it might be from your purpose, or even your apprehensions, it was possible that your legislation might occasion us the loss of our foreign market, our only resource; that the result of that loss to us would be poverty and utter desolation; that our people, in despair, would emigrate to more fortunate regions, and the whole frame and constitution of our society would be seriously impaired and endangered, if not dissolved entirely. And we adjured you not to persist in a course of legislation of which the benefits to yourselves, even were they unquestionable, were nothing in comparison of the danger to which they exposed us—a danger which, however contingent or remote, involved our whole existence, and could not be contemplated without well-founded alarm. Sir, I repeat to you now—I repeat to the representatives of the whole South on this floor—the words then addressed to the House on a different subject. Let well alone. Resist this uncalled-for innovation, of which no one can fore-

see the whole extent nor the ultimate results. Mark what your Secretary of the Treasury has told you in the very paper in which he reveals the project on the table—you produce too much cotton. Go home, gentlemen of the South, and tell your people that their successful industry is a vice; that the fertility of their soil is a curse; that their excessive production occasions disorders in the State; and that the remedy for our troubles is, that they should live on short commons. Let them co-operate with our political economy, by depriving themselves of the little mercantile capital they have; let them abolish those corporations to which people, who cannot themselves do business with the widow and the orphan, have contributed their means for the accommodation of commerce; let them but do this, and their docility will be admirable, and shall have our approbation.

Sir, before I take my seat, there is one other topic that I feel it my duty to advert to—I mean to the supposed injurious effects of banking institutions upon the laboring classes of society. Although I have no doubt but that there are many defects in the constitution, as well as the management of those institutions in this country, and should be most willing to co-operate, if occasion served, in reforming them, I have no hesitation in acquitting them at least of this charge. Who that has ever heard of the relation between capital and labor, between wages and profits, but must see at once that it is unfounded; and, accordingly, Hume objects to banks that, by their issues, they raise wages, and so hurt the manufacturing interests of a nation. I have already remarked, that one of the effects of an increase in currency is to make a distribution of the wealth of society more favorable to the industrious classes of it—to confiscate in a manner, the property of those who live on fixed incomes, for the benefit of those who produce the commodities on which those incomes are laid out. It is for this reason that the radicals of England—Mr. Atwood, for example—are all strenuous advocates of paper money, and even of inconvertible paper. The idea that the poor are to gain by a return to a metallic currency is, so far as I know, confined to their friends in this country, whose zeal is certainly greater than their knowledge.

It is true, sir, that among other disadvantages attending frequent fluctuations in the currency, it is said that wages are the last thing that rises in a case of expansion. And that may be so in countries where the supply of labor is greater than the demand; but the very reverse is most certainly the fact here, and where the demand, especially when stimulated by any extraordinary increase, real or fictitious, of capital, is always greater than the supply. All price is a question of power, or relative necessity between two parties; and everybody knows that, in a period of excitement here, wages rise immediately, and out of all proportion more than any thing else, because the population of

the country is entirely inadequate to its wants. During the last year, for instance, the price of labor became so exorbitant, that some of the most fertile land in South Carolina, rice fields, which had been cultivated for a hundred years, were in danger of being abandoned, from the impossibility of paying for it. Sir, as a Southern man, I represent equally rent, capital, and wages, which are confounded in our estates; and I protest against attempts to array, without cause, without a color of pretext or plausibility, the different classes of society against one another, as if, in such a country as this, there could be any natural hostility or any real distinction between them—a country in which all the rich, with hardly an exception, have been poor, and all the poor may one day be rich—a country in which banking institutions have been of immense service, precisely because they have been most needed by a people who had all their fortunes to make by good character and industrious habits. Look at that remarkable picture—remarkable not as a work of art but as a monument of history—which you see in passing through the rotundo. Two out of five of that immortal committee were mechanics, and such men! * In the name of God, sir, why should any one study to pervert the natural good sense and kindly feelings of this moral and noble people—to infuse into their minds a sullen envy towards one another, instead of that generous emulation which every thing in their situation is fitted to inspire—to breathe into them the spirit of Cain, muttering deep curses and meditating desperate revenge against his brother because the smoke of his sacrifice has ascended to heaven before his own! And do not they who treat our industrious classes as if they were in the same debased and wretched condition as the poor of Europe, insult them by such an odious comparison? Why, sir, you do not know what poverty is. We have no poor in this country, in the sense in which that word is used abroad. Every laborer, even the most humble, in the United States soon becomes a capitalist, and even, if he choose, a proprietor of land; for the West, with all its boundless fertility, is open to him. How can any one dare to compare the mechanics of this land (whose inferiority, in any substantial particular, in intelligence, in virtue, in wealth, to the other classes of our society, I have yet to learn) with that race of outcasts, of which so terrific a picture is presented by recent writers—the poor of Europe? a race, among no inconsiderable portion of whom famine and pestilence may be said to dwell continually; many of whom are without morals, without education, without a country, without a God! and may be said to know society only by the terrors of its penal code, and to live in perpetual war with it. Poor bondmen! mocked with the name of liberty, that they may be sometimes tempted to break their chains, in

order that, after a few days of starvation in idleness and dissipation, they may be driven back to their prison house to take them up again, heavier and more galling than before; severed, as it has been touchingly expressed, from nature, from the common air, and the light of the sun; knowing only by hearsay that the fields are green, that the birds sing, and that there is a perfume in flowers.*

When Mr. LEGARE had concluded,

Mr. NAYLOR, of Pennsylvania, after an introductory view of his subject, continued:

Meeting under these circumstances, I ask, had we not a right to expect that Congress once more would resume its independence, and attend faithfully and fearlessly to the business of their constituents, and that the administration would now abandon its projects, and give over its attempts to sway and subjugate and enslave the representatives of the country? But have our expectations been realized? What have we been about? What have we done? Let us see whether we have not again been subserviently echoing the will of the Executive?

Our first act was to pass a bill for the postponement of the payment of the fourth instalment to the States, to withhold from them the sum of upwards of nine millions of dollars, which, by the act of 23d June, 1836, we had contracted to put in their possession. By that law it is provided "that all the money in the Treasury of the United States, on the first of January, 1837, reserving the sum of five millions of dollars, should be deposited with the States in proportion to their respective representation in the Senate and House of Representatives of the United States." Under this law it became the duty of the Secretary of the Treasury, on the first of January, 1837, to reserve five millions out of it for the use of the Government, and appropriate the balance, whatever it might be, to the States as already mentioned. The Secretary of the Treasury performed this duty, and found that there were upwards of forty-two millions of dollars in the Treasury. He reserved the five millions, and then announced to the different States of the Union, that there was in the Treasury, specifically set apart for them, the sum of thirty-seven millions of dollars, to be paid to them in four instalments. The States agreed to receive the money. Three instalments of the money they did receive. The fourth and last instalment of between nine and ten millions of dollars was to have been paid to them on the first of this month. This is a plain unvarnished statement of the case. Thus we see that on the first day of January last, there was in the Treasury thirty-seven millions of money specifically set apart by the law for the States. There it was. The Secretary of the Treasury counted it and declared it to be there. Now, why has not this money been all paid to the

* Franklin and Sherman, signers of the Declaration.

* Michelet.

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States? Was it because this House passed a bill for the postponement of the last payment? No, sir, but because this administration had previously used this money for their own purposes. They, Martin Van Buren and his administration, betrayed the trust reposed in them, squandered this money—and when the representatives of the people assemble here in special session, we are informed by the President and his Secretary of the Treasury, that the money that was in the Treasury for the States is gone, has evaporated, and that we will have to postpone the payment of one-fourth of it. Thus we see that the money was used by the administration. The President and his policy have postponed the payment of the fourth instalment. Congress has had nothing to do with it. The money was there for the States on the first of January last. When we met here in eight months afterwards it was not there. Suppose the bill for postponing its payment had not been passed, could the States have got the money? No. Why? Because the administration had previously used the money that was specifically set apart for them. Thus you perceive that the Executive postponed the payment of it. And, after doing this, he very modestly calls upon Congress to pass a law to do what he had previously done! Well, and what did Congress do? Why again they echo the will of the President, pass a law postponing what had already been postponed, and declaring a solemn falsehood to the whole country, that we, yes, that we had withheld from the people of the States nine millions and a half of money, when it had been done months before by the executive rulers of our country!

This is the first exhibition of the independence of this body! If we continue thus to comply with the behests of power, and to delude and betray the people, I ask, in the name of Heaven, what is to become of our country and its free institutions?

The second great measure which the administration commanded you to pass, and which you did pass, was the bill for the manufacture of ten millions of Treasury notes. Yes, ten millions of paper money—ten millions, not of bank rags, but Government rags—ten millions of old continental paper—ten millions of shin-plasters! And is it possible that these are the fruits of those long years of exciting, convulsing, distracting experiments, which our rulers promised us should produce such a safe and convenient currency, and flood the whole land with gold? Ay, gold, gold, was the cry; and now we have gold with a vengeance! The banner of our rulers has had for its motto, not our country, nor liberty, nor patriotism, nor union, nor any other ennobling or inspiring sentiment; no, sir, but that miserable and mercenary promise “for gold, gold, gold.” For years have our people been mocked and deluded with the empty promise of gold. And now, at the very moment when they reach forth their expecting hands to possess it, like the gold which is said

to reward a bargain with the Prince of Darkness, it turns in their grasp into dust and ashes! The Government has been raking it together from all quarters of the earth. They have wrung it with an iron and unrelenting grasp from the possession of the people. They have forced it out of circulation. It is money no longer; it is now merchandise. It is bought and sold, as you would buy your bread or any other necessary or convenience of life. The people are forced to buy it in order to pay their debts to the Government. And what does the Government do with it? pay it back to the people? No, sir, no, but magnanimously gives it to the office-holders! The office-holders then sell it to the people at a profit of from seven to twelve per cent. The people again pay it to the Government from which, as before, it immediately passes to the office-holders, who again sell it to the people at a large profit. Thus it moves round and round in one continued and contracted circle, cursing the people, and taking at every turn from their hard earnings the amount of premium paid for it, and enriching the pampered office-holder, just in proportion as it robs them. In the mean time the office-holders have got the Government exclusively to themselves. They have all the gold to themselves. They tell us that the Government and the people must be separate and distinct, that it was never intended that the Government should sympathize with their sufferings, or extend relief to their distresses. And how, sir, does this golden Government, with its immense professions, pay its own debts? What do they give to the hard-toiling mechanic—the aged, feeble, and tottering war-worn soldier of the Revolution? And what has the country for a currency? Why, rags, rags; not “bank rags” alone; no, (for they grow more scarce every day,) but all kinds of rags—a complete piece of patchwork, an undistinguished gathering together of rottenness and confusion. And, to crown the whole, the President and his gilded partisans, have passed the bill for the manufacture of ten millions more of rags, with which still further to curse the country—the bill creating ten millions of paper money for the people!

What next? The next great measure that we have recommended to us is the last great experiment of those in power, the “Sub-Treasury System.” This project has not yet received the sanction of this House, and I pray Heaven that it never may. It is now before us for consideration. I purpose, in conclusion, to make a few hasty remarks upon it. I am opposed to this measure. Although not yet approved by Congress, it is now in operation. We see its workings. We have eaten of its fruits, and, for myself, they are distasteful to me. I loathe them. I am for cutting down the tree that produced them.

Sir, this scheme proposes to place in the hands of individuals who are dependent alone on the will of the President for their continuance in office, all, yes all the countless millions

of the money of this Government for disbursement and safe-keeping. These men are to receive it, hold it, use it, when and as they please, with no earthly barrier between it and the temptation to appropriate it to their own uses, which the personal custody of such immense treasures must offer, than the feeble restraints of poor, weak, fallible human nature, and the fear of the consequences which might result from an ultimate detection.

How many receivers and holders of the public money, or in other words, how many "sub-treasurers" there will be scattered throughout the whole extent of this wide-spread country, no man can at present determine. In France, where a similar system prevails, there are one hundred thousand! Here I have no doubt, in a short time, the number would even exceed that. These men are to hold and absolutely possess the whole treasures of the nation. Some of them, particularly in our large cities, will have millions of dollars in their hands at a time. One uninterrupted golden current will be continually pouring in upon them. What a temptation (even aside from party political influences) is thus offered to use a portion of this money occasionally or continually, as need or circumstances may require? Sir, the temptation will be irresistible. Surrounded by needy or pressing friends in distress, whose families and fortunes they think may be comforted or repaired by a timely loan; in the very midst of the exciting whirl of speculation, with Fortune's dazzling visions urging them on to use the treasures confided to their keeping, and embark in schemes promising to result in the enjoyment of immense possessions, and with a full certainty that a temporary use of even large amounts, cannot be discovered; taking into consideration with these circumstances the fact that there will be one hundred thousand of these men—I say they will, in some cases, inevitably misappropriate the money. Large amounts of it must be lost. The treasures of the country will be plundered. Under such a system there is no safety for the public funds.

A "sub-Treasury bill," it is gently termed in this House. Before the country, for the purpose of deluding the people and exciting popular feelings in its favor, you name it a "bill to divorce the Government from the banks." But what is it? Trampling the mere name under our feet, and looking at it as it is, stripped and naked in all its odious deformity—I ask what is it? Why, sir, it is a bill for arresting the flow of our prosperity—for subverting the fundamental principles of our republic—a bill for laying the corner-stone of despotism. How do those in power recommend it to us? What arguments do they urge in favor of its adoption? "Oh," they say, "it is no new scheme. It exists in France; it flourishes in Prussia and Austria—it has grown into full and vigorous perfection in Russia. It prevails in Turkey, and in every despotism of the new and old world."

My heart shudders, my blood curdles at their recommendations. In every country under heaven where such a system prevails, the people are trampled on and plundered of their rights; ground down to the very dust by the awful despotism of their rulers; bought and sold like cattle with the earth, persecuted by power, plundered by these very sub-treasurers, "chained to the brutes and fettered to the soil." And yet, sir, this administration and its advocates urge the example of these odious tyrannies, as almost the only argument in favor of the adoption of their hateful scheme. They tell us that their plan works very well in those countries. But they do not tell us that it is there the grand engine of despotism, without which the people could not be kept in slavery! Yes, the plan does work well in despotisms. It does the work effectually. It works admirably well. It answers the very purpose for which it was designed—that of plundering and enslaving the people, whilst it deprives them of the power of resistance!

Where am I? Is it possible that here, in this mighty capital of the only free republic on earth, with the deeds of our gallant fathers still green in our memories, with here and there one of their lingering associates now gazing upon our deliberations, and the thunders of Yorktown yet ringing in our ears—is it possible, I say, under these circumstances, that we can calmly listen to a proposition to abandon the settled policy of our Government from its beginning to this day, despise and denounce the wisdom of its immortal founder, reject a course which has secured an unexampled prosperity to our country, and the utmost stretch of liberty to ourselves—and turn back and affectionately embrace—hug to our bosoms, as jewels above all price, the barbarous institutions of the dark and benighted despotisms of the old world? Are we to turn a deaf ear to the counsels of our revolutionary sages, and receive for our guide the arbitrary decrees of autocrats and tyrants? Sir, is the republican seed, scattered far and wide by our immortal sires, to be eradicated with our own hands—and are we to transplant into our fertile soil the sickly shoots of despotism, and nurse, and water, and cherish them into health and vigor and fructification? Heaven forbid. Let every man who wishes well to our republican institutions put the seal of his reprobation on this scheme.

I have said that this very "sub-Treasury system" is one of the great means used by the autocrats of Europe for perpetuating their tyrannies. In the hands of a monarch it is an engine of tremendous power. He appoints every officer. They are all absolutely dependent upon him, and are appointed to do his bidding. They are responsible to him alone. They are scattered all over the empire. Every petty district has its officer to receive and hold the revenues of the Government. They have immediate communication with the people. Of

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Florida War.

[H. OF R.]

course, as the interest of the officer binds him to serve his sovereign, and as there is no one to interfere between them, the money he receives can be used in influencing the people (or subjects as they are there called) in any way desirable. Thus thousands and tens of thousands of these little treasurers are using the money in their respective districts, so as to produce the desired influence on the people. And yet, in a moment, the whole treasure can be collected in one concentrated mass at the nod of the monarch. This is all done silently and secretly. The evil is felt, and no one can tell whence it comes. Despotism is upon them, and they have no means to break it.

This system of monarchy, this engine of despotism, is the very one which the bill under consideration proposes to introduce into this country. It will make the power of the President as supreme as that of any autocrat of Europe. You will have a hundred thousand office-holders appointed by the President, holding their office at his pleasure, dependent upon his will for the very bread they eat, and commissioned to do his bidding. Every neighborhood will have within its narrow confines one of these "sub-treasurers" "to harass the people and eat out their substance." The land will be filled with spies and informers. All the public money, millions on millions, will be in their hands! It will be scattered about among their partisans, become the source of countless demoralizing speculations upon the industry and property of the people, and must inevitably end in concentrating all power in the breast of the Executive. Adopt this scheme, carry out its provisions in all their ramifications, and there will be no salvation for this republic; republican forms may exist, but despotism will be its very life-blood, its pervading spirit.

This scheme will not only increase the number of your officers four-fold, and thus quadruple the taxes of the people, but it will furnish Government with an irresistible means of controlling the popular will. These officers must use the money to promote the views of their masters. They are appointed for that purpose. He who would dare refuse to do their bidding, would not only be instantly dismissed, but hunted beyond the pale of national consideration; yes, be denationalized and proscribed by the hireling hacks of party power.

SATURDAY, October 14.

Florida War,

The House proceeded to the unfinished business of yesterday morning, which was the consideration of Mr. WISE's resolution on the Florida war; and the question being on Mr. McKAY's motion to postpone the consideration of the resolution to the 1st of December next—

MR. UNDERWOOD said that, in the early stages of the debate upon the resolution under consideration, he understood the gentleman from Vir-

ginia (Mr. WISE) to say that he had been informed, in a manner entitled to credit, that General Jesup had entered into an engagement with Hopothlehohola, stipulating to secure and protect that chief in his possessions, provided he would give his aid to the army of the United States, and assist General Jesup in his operations; that the gallant Indian chief, relying upon the assurances of General Jesup, had devoted himself to our service, and that, after success crowned the operations of General Jesup, he turned upon the chief in violation of his engagement, and drove him from his possessions. I was forcibly impressed at the time with the impropriety of the conduct thus imputed to General Jesup. I could not believe that a gallant soldier, who had risen from the humblest ranks to the command of an army, who had on several occasions displayed a combination of talents and bravery which induced the country to confide in him as a fit commander in the South, would so far debase himself as to decoy an Indian chief into his service, by a promise of protection, and, as soon as he had answered his purposes, turn upon his ally in violation of his engagement, and expel him from his home. Such conduct would not only have been disgraceful to General Jesup as a man, but it would tarnish the reputation of the country, regarding him as the representative of the country. Feeling as I did, I asked the gentleman from Virginia whether General Jesup's engagement with Hopothlehohola, and after conduct, had been the result of orders emanating from higher authority, or whether General Jesup alone was responsible? The gentleman's information did not enable him to answer. I deemed it proper to communicate the substance of the statement made by the gentleman from Virginia, to General Jesup. On the day before yesterday I received his answer, in which he says: "No such treaty or engagement as that stated to have been made was ever thought of; every engagement made with Hopothlehohola, so far as depended upon me, or so far as I am informed, has been faithfully fulfilled." Thus, sir, a direct contradiction is given by General Jesup to the information communicated to the House. His letter evinces a desire to have the "whole subject of the war in Alabama and Florida investigated." Instead of shrinking from it, he invites it. His language is: "Let persons and papers be sent for; let investigation be pushed to the utmost, I have nothing to fear."

In reference to the supposed treaty or engagement with Hopothlehohola, the General indignantly remarks that, had it been made, "no power on earth should have compelled him to violate it." He would have surrendered his commission sooner than have presented himself before the world in the attitude of playing the hypocrite with an Indian chief; and, after securing his confidence and assistance, turning upon him the instruments of destruction. Such sentiments are worthy of an Amer-

ican general; and I trust, sir, they meet with proper sympathy in the bosoms of the members of this House.

I have thought it an act of justice to General Jesup to make the preceding statement; and now that I am up, I shall take the occasion to say, that I trust the resolution will be adopted, and that the fullest investigation may be had into all the operations of the Florida war.

MR. WISE vindicated himself from having, in his own person, made the charge at all: he had stated it as it had been stated to him: he rejoiced to hear the language of General Jesup in relation to it: but insisted that this very reply went to show the importance of the investigation he advocated, that justice might be done to the innocent, while the guilty were exposed.

MR. UNDERWOOD exculpated Mr. Wise from all blame in the matter, and expressed approbation of his course, as an honest discharge of his duty.

Sub-Treasury Bill.

The question being on ordering to its third reading the bill from the Senate imposing additional duties, as depositaries, in certain cases, on public officers—

MR. CLARK, of New York, said: Mr. Speaker, I do not rise to discuss the merits of the bill, or to express any opinion in relation to them. I should have preferred that a motion had been made to postpone its further consideration until the first day of the next session. The subject matter of the bill is one on which there is, among the friends of the administration, a difference of opinion, and, I have no doubt, an honest difference. The gentleman from South Carolina, a friend of the administration, in his remarks of yesterday, regretted that he should be called upon at this time for final action on the bill. He preferred to wait until an opportunity should be afforded to him to ascertain the wishes of his constituents. In these views I concur. In voting for the present motion, I shall do so for the same reasons which would influence me to vote for a postponement until the next session, considering the effects the same, neither of which determines the ultimate fate of the bill. The vote I am about to give will furnish no evidence of my opinion as to the merits of the bill, or of my action on the question of its final passage. The sub-Treasury scheme, considered as an administration measure, is novel. In 1835, it was proposed by the whigs in Congress, and received the unanimous and vigorous opposition of the democratic members. Whether it is possible for the opposition to originate a good measure, I will not inquire. They have, however, been unfortunate in presenting at this session any measure, good, bad, or indifferent, always saving and excepting their sovereign remedy, their universal panacea for all our fiscal maladies, the United States Bank.

I repeat that this measure, as a democratic

one, is new. Public opinion has not been sufficiently enlightened to draw any correct conclusion of its disposition. It has not been, to any considerable extent, the subject of discussion, either in the social circle, or in the primary assemblies of the people. And the same remark is true as regards the newspaper press. I doubt whether five country papers in the State of New York, previous to the session of Congress, had canvassed this project, or given any opinions thereon. The Albany Argus, the leading democratic journal in that State—a journal which possesses great influence over the country press—had not, up to that period, taken ground on this subject. Under these circumstances, it can hardly be expected that resolutions emanating from county conventions could be considered as furnishing that evidence of the popular will as they otherwise would. All the republican conventions have expressed their approbation of the general principles set forth in the Message; few of them, however, have given any expression of opinion as regards this specific measure. No one is more ready, on all occasions, to bow with deference to the will of his constituents, when formed upon reflection and deliberation, and fairly and fully expressed, than myself; and it will ever be my pleasure to carry that will into execution. Were I opposed to this bill, (and I repeat that I give no opinion in regard to it,) I would, with alacrity, surrender my own opinion at the feet of my constituents.

It has been my misfortune not to have enjoyed any interchange of sentiment with my constituents, as have most of the gentlemen of this House. I wish to obey their will, and for this purpose I should be glad, by a personal interview, to ascertain that will; and when ascertained, I shall not fail to execute it.

MR. C. moved to lay the bill on the table.

The yeas and nays were thereupon taken, as follows:

YEAS.—Messrs Adams, Alexander, Heman Allen, J. W. Allen, Ayerigg, Bell, Biddle, Bond, Borden, Briggs, W. B. Calhoun, John Calhoun, W. B. Campbell, John Campbell, W. B. Carter, Casey, Chambers, Cheatham, Childs, Clark, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, J. Graham, W. Graham, Graves, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Henry Johnson, W. C. Johnson, Kilgore, Lawler, Legare, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, Maury, May, Maxwell, Menefee, Mercer, Milligan, M. Morris, C. Morris, Naylor, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Richardson, Ridgway, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Smith, Snyder, Southgate, Stanly, Stewart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, John White, E. Whittlesey, L. Williams, Sherrod Williams, J. L. Williams, C. H. Williams, Wise, Yorke—119.

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Adjournment.

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YAYS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Bynum, Cambreleng, T. J. Carter, Chaney, Chapman, Cilley, Claiborne, Cleveland, Coles, Connor, Craig, Cushman, Davee, DeGraff, Duncan, Edwards, Farrington, Fairfield, I. Fletcher, Foster, Fry, Gallup, Gholson, Glascock, Grant, Gray, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Arphaxed Loomis, Martin, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Pickens, Plumer, Potter, Pratt, Prentiss, Reily, Rives, Robertson, Sheffer, Sheplor, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—107.

So the bill was ordered to lie on the table.

Mr. GRIFFIN moved a reconsideration of the vote by which the bill had been laid on the table.

Mr. BORDEN moved to lay the motion for a

reconsideration on the table, which was decided by—yeas 118, nays 105.

So the House ordered the motion to reconsider to lie on the table.

Adjournment.

The resolution which had been received from the Senate, for the appointment of a joint committee to wait on the President of the United States, and inform him that, unless he had other communications to make to Congress, the two Houses were about to close the present session by an adjournment, was now taken up and agreed to, and

Mr. THOMAS of Maryland, Mr. POPE of Kentucky, and Mr. TAYLOR of New York, were appointed of the committee on the part of the House.

Mr. THOMAS having reported that the committee appointed for the purpose had waited on the President of the United States, and received for answer to their message to him that he had no further communication to make,

The House adjourned until the first Monday in December next, the day fixed by the Constitution of the United States for the annual meeting of Congress.

TWENTY-FIFTH CONGRESS.—SECOND SESSION.

PROCEEDINGS AND DEBATES

IN THE

SENATE AND HOUSE OF REPRESENTATIVES.

[The form of the original Debates, as reported, is changed at this date, and the proceedings of each day are placed together, instead of the distinct continuous reports of the proceedings of each House during the entire Session.]

IN SENATE.

MONDAY, Dec. 4, 1837.

The second session of the twenty-fifth Congress convened this day.

On motion of Mr. GRUNDY, the customary resolutions of information to the President and the House of Representatives were passed.

HOUSE OF REPRESENTATIVES.

December 4, 1837.

The roll of the members of the House was called over by States.

On motion of Mr. MUHLENBERG, a message was ordered to be sent to the Senate, to inform that body that a quorum of the House of Representatives had assembled, and that the House was ready to proceed to business.

On motion of Mr. MUHLENBERG, a committee of three was appointed, in conjunction with such committee as might be appointed on the part of the Senate, to wait on the President of the United States, and inform him that the two Houses of Congress had convened, and were ready to receive any communication he might be pleased to make.

IN SENATE.

TUESDAY, December 5.

Mr. HUBBARD of New Hampshire, and Mr. TALLMADGE of New York, took their seats.

The following Message was received from the President of the United States:

*Fellow-Citizens of the Senate
and House of Representatives:*

We have reason to renew the expression of our devout gratitude to the GIVER OF ALL GOOD for his

benign protection. Our country presents, on every side, the evidences of that continued favor, under whose auspices it has gradually risen from a few feeble and dependent Colonies to a prosperous and powerful Confederacy. We are blessed with domestic tranquillity, and all the elements of national prosperity. The pestilence which, invading for a time, some flourishing portions of the Union, interrupted the general prevalence of unusual health, has happily been limited in extent, and arrested in its fatal career. The industry and prudence of our citizens are gradually relieving them from the pecuniary embarrassments under which portions of them have labored; judicious legislation, and the natural and boundless resources of the country, have afforded wise and timely aid to private enterprise; and the activity always characteristic of our people has already, in a great degree, resumed its usual and profitable channels.

The condition of our foreign relations has not materially changed since the last annual message of my predecessor. We remain at peace with all nations; and no efforts on my part, consistent with the preservation of our rights and the honor of the country, shall be spared to maintain a position so consonant to our institutions. We have faithfully sustained the foreign policy with which the United States, under the guidance of their first President, took their stand in the family of nations—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges; rendering and demanding justice in all cases; advancing their own, and discussing the pretensions of others, with candor, directness, and sincerity; appealing at all times to reason, but never yielding to force, nor seeking to acquire any thing for themselves by its exercise.

A rigid adherence to this policy has left this Gov-

ernment with scarcely a claim upon its justice, for injuries arising from acts committed by its authority. The most imposing and perplexing of those of the United States upon foreign Governments, for aggressions upon our citizens, were disposed of by my predecessor. Independently of the benefits conferred upon our citizens by restoring to the mercantile community so many millions of which they had been wrongfully divested, a great service was also rendered to his country by the satisfactory adjustment of so many ancient and irritating subjects of contention; and it reflects no ordinary credit on his successful administration of public affairs, that this great object was accomplished, without compromising, on any occasion, either the honor, or the peace of the nation.

With European powers no new subjects of difficulty have arisen; and those which were under discussion, although not terminated, do not present a more unfavorable aspect for the future preservation of that good understanding, which it has ever been our desire to cultivate.

Of pending questions, the most important is that which exists with the Government of Great Britain, in respect to our north-eastern boundary. It is with unfeigned regret, that the people of the United States must look back upon the abortive efforts made by the Executive, for a period of more than half a century, to determine, what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers. The nature of the settlements on the borders of the United States, and of the neighboring territory, was for a season such, that this perhaps was not indispensable to a faithful performance of the duties of the Federal Government. Time has, however, changed this state of things; and has brought about a condition of affairs, in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised, that with full confidence often expressed, in the desire of the British Government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace, in 1783. The sole result of long pending negotiations, and a perplexing arbitration, appears to be a conviction, on its part, that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the earnest desire of the United States to terminate satisfactorily this dispute, by proposing the substitution of a conventional line, if the consent of the States interested in the question could be obtained. To this proposition, no answer has yet been received. The attention of the British Government has, however, been urgently invited to the subject, and its reply cannot, I am confident, be much longer delayed. The general relations between Great Britain and the United States are of the most friendly character, and I am well satisfied of the sincere disposition of that Government to maintain them upon their present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you, how cordially it is reciprocated by the Government and people of the United States. The conviction, which must be

common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement cannot be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session, I laid before you the recent communications between the two Governments, and between this Government and that of the State of Maine, in whose solicitude, concerning a subject in which she had so deep an interest, every portion of the Union participates.

The feelings produced by a temporary interruption of those harmonious relations between France and the United States, which are due as well to the recollections of former times as to a correct appreciation of existing interests, have been happily succeeded by a cordial disposition on both sides to cultivate an active friendship in their future intercourse. The opinion, undoubtedly correct, and steadily entertained by us, that the commercial relations at present existing between the two countries are susceptible of great and reciprocally beneficial improvements, is obviously gaining ground in France; and I am assured of the disposition of that Government to favor the accomplishment of such an object. This disposition shall be met in in a proper spirit on our part. The few and comparatively unimportant questions that remain to be adjusted between us, can, I have no doubt, be settled with entire satisfaction, and without difficulty.

Between Russia and the United States, sentiments of good will continue to be mutually cherished. Our Minister recently accredited to that Court, has been received with a frankness and cordiality, and with evidences of respect for his country, which leave us no room to doubt the preservation in future of those amicable and liberal relations which have so long and so uninterruptedly existed between the two countries. On the few subjects under discussion between us, an early and just decision is confidently anticipated.

A correspondence has been opened with the Government of Austria, for the establishment of diplomatic relations, in conformity with the wishes of Congress, as indicated by an appropriation act of the session of 1837, and arrangements made for the purpose, which will be duly carried into effect.

With Austria and Prussia, and with the States of the German empire, now composing with the latter the Commercial League, our political relations are of the most friendly character, whilst our commercial intercourse is gradually extending, with benefit to all who are engaged in it.

Civil war yet rages in Spain, producing intense suffering to its own people, and to other nations inconvenience and regret. Our citizens who have claims upon that country will be prejudiced for a time by the condition of its Treasury, the inevitable consequence of long-continued and exhausting internal wars. The last instalment of the interest of the debt due under the convention with the Queen of Spain has not been paid; and similar failures may be expected to happen, until a portion of the resources of her kingdom can be devoted to the extinguishment of its foreign debt.

Having received satisfactory evidence that discriminating tonnage duties were charged upon the vessels of the United States in the ports of Portugal, a proclamation was issued on the 11th day of October last, in compliance with the act of May 25, 1832, declaring that fact; and the duties on foreign tonnage

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The President's Message.

[25TH CONG.]

which were levied upon Portuguese vessels in the United States, previously to the passage of that act, are accordingly revived.

The act of July 4, 1836, suspending the discriminating duties upon the produce of Portugal imported into this country in Portuguese vessels, was passed upon the application of that Government, through its representative here, under the belief that no similar discrimination existed in Portugal to the prejudice of the United States. I regret to state that such duties are now exacted in that country upon the cargoes of American vessels; and as the act referred to vests no discretion in the Executive, it is for Congress to determine upon the expediency of further legislation on the subject. Against these discriminations, affecting the vessels of this country and their cargoes, seasonable remonstrance was made, and notice was given to the Portuguese Government that unless they should be discontinued, the adoption of countervailing measures on the part of the United States would become necessary; but the reply of that Government, received at the Department of State through our Charge d'Affaires at Lisbon, in the month of September last, afforded no ground of hope for the abandonment of a system so little in harmony with the treatment shown to the vessels of Portugal, and their cargoes in the ports of this country, and so contrary to the expectations we had a right to entertain.

With Holland, Sweden, Denmark, Naples, and Belgium, a friendly intercourse has been uninterruptedly maintained.

With the Government of the Ottoman Porte and its dependencies on the coast of the Mediterranean, peace and good will are carefully cultivated, and have been fostered by such good offices as the relative distance and the condition of those countries would permit.

Our commerce with Greece is carried on under the laws of the two governments, reciprocally beneficial to the navigating interests of both; and I have reason to look forward to the adoption of other measures which will be more extensively and permanently advantageous.

Copies of the treaties concluded with the Governments of Siam and Muscat are transmitted for the information of Congress, the ratifications having been received, and the treaties made public, since the close of the last annual session. Already have we reason to congratulate ourselves on the prospect of considerable commercial benefit; and we have, besides, received from the Sultan of Muscat prompt evidence of his desire to cultivate the most friendly feelings, by liberal acts towards one of our vessels, bestowed in a manner so striking as to require on our part a grateful acknowledgment.

Our commerce with the Islands of Cuba and Porto Rico still labors under heavy restrictions, the continuance of which is a subject of regret. The only effect of an adherence to them will be to benefit the navigation of other countries, at the expense both of the United States and Spain.

The independent nations of this continent have, ever since they emerged from the colonial state, experienced severe trials in their progress to the permanent establishment of liberal political institutions. Their unsettled condition not only interrupts their own advances to prosperity, but has often seriously injured the other powers of the world. The claims of our citizens upon Peru, Chili, Brazil, the Argentine Republic, the Governments formed out

of the Republics of Colombia and Mexico, are still pending, although many of them have been presented for examination more than twenty years. New Granada, Venezuela, and Ecuador, have recently formed a convention for the purpose of ascertaining and adjusting claims upon the Republic of Colombia, from which it is earnestly hoped our citizens will, ere long, receive full compensation for the injuries originally inflicted upon them, and for the delay in affording it.

An advantageous treaty of commerce has been concluded by the United States with the Peru-Bolivian Confederation, which wants only the ratification of that Government. The progress of a subsequent negotiation for the settlement of claims upon Peru, has been unfavorably affected by the war between that power and Chili, and the Argentine Republic; and the same event is also likely to produce delays in the settlement of our demands on those powers.

The aggravating circumstances connected with our claims upon Mexico, and a variety of events touching the honor and integrity of our Government, led my predecessor to make, at the second session of the last Congress, a special recommendation of the course to be pursued to obtain a speedy and final satisfaction of the injuries complained of by this Government and by our citizens. He recommended a final demand of redress, with a contingent authority to the Executive to make reprisals, if that demand should be made in vain. From the proceedings of Congress on that recommendation, it appeared that the opinion of both branches of the Legislature coincided with that of the Executive, that any mode of redress known to the law of nations might justifiably be used. It was obvious, too, that Congress believed, with the President, that another demand should be made, in order to give undeniable and satisfactory proof of our desire to avoid extremities with a neighboring power; but that there was an indisposition to vest a discretionary authority in the Executive to take redress, should it unfortunately be either denied or unreasonably delayed by the Mexican Government. So soon as the necessary documents were prepared, after entering upon the duties of my office a special messenger was sent to Mexico, to make a final demand of redress, with the documents required by the provisions of our treaty. The demand was made on the 20th of July last. The reply, which bears date the 29th of the same month, contains assurances of a desire, on the part of that Government, to give a prompt and explicit answer respecting each of the complaints, but that the examination of them would necessarily be deliberate; that in this examination, it would be guided by the principles of public law and the obligation of treaties; that nothing should be left undone that might lead to the most speedy and equitable adjustment of our demands; and that its determination, in respect to each case, should be communicated through the Mexican Minister here.

Since that time, an Envoy Extraordinary and Minister Plenipotentiary has been accredited to this Government by that of the Mexican Republic. He brought with him assurances of a sincere desire that the pending differences between the two Governments should be terminated in a manner satisfactory to both. He was received with reciprocal assurances; and a hope was entertained that this mission would lead to a speedy, satisfactory, and final adjustment of all existing subjects of complaint. A sincere believer in the wisdom of the pacific policy by which the United States have always been governed in their intercourse with foreign nations; it was my

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particular desire, from the proximity of the Mexican Republic, and well-known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that Government, and in restoring to the intercourse between the two Republics, that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply to have found in the recent communications of that Government so little reason to hope that any future efforts of mine for the accomplishment of those desirable objects would be successful.

Although the larger number, and many of them aggravated cases of personal wrongs, have been now for years before the Mexican Government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican Minister. By the report of the Secretary of State, herewith presented, and the accompanying documents, it will be seen, that for not one of our public complaints has satisfaction been given or offered; that but one of the cases of personal wrong has been favorably considered, and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have as yet been decided upon by the Mexican Government.

Not perceiving in what manner any of the powers given to the Executive alone could be further usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was by my predecessor referred to Congress, as one calling for its interposition. In accordance with the clearly understood wishes of the Legislature, another and formal demand for satisfaction has been made upon the Mexican Government; with what success the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican Government, it has become my painful duty to return the subject, as it now stands, to Congress, to whom it belongs, to decide upon the time, the mode, and the measure of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the councils of our country.

The balance in the Treasury on the first day of January, 1837, was forty-five millions nine hundred and sixty-eight thousand five hundred and twenty-three dollars. The receipts during the present year from all sources, including the amount of Treasury notes issued, are estimated at twenty-three millions four hundred and ninety-nine thousand nine hundred and eighty-one dollars, constituting an aggregate of sixty-nine millions four hundred and sixty-eight thousand five hundred and four dollars. Of this amount, about thirty-five millions two hundred and eighty-one thousand three hundred and sixty-one dollars will have been expended at the end of the year on appropriations made by Congress; and the residue, amounting to thirty-four millions one hundred and eighty-seven thousand one hundred and forty three dollars, will be the nominal balance in the Treasury on the first of January next. But of that sum, only one million eighty-five thousand four hundred and ninety-eight dollars is considered as immediately available for, and applicable to, public purposes. Those portions of it which will be for some time unavailable, consist chiefly of sums deposited

with the States, and due from the former deposit banks. The details upon this subject will be found in the annual report of the Secretary of the Treasury. The amount of Treasury notes, which it will be necessary to issue during the year on account of those funds being unavailable, will, it is supposed, not exceed four and a half millions. It seemed proper, in the condition of the country, to have the estimates on all subjects made as low as practicable, without prejudice to any great public measures. The Departments were, therefore, desired to prepare their estimates accordingly; and I am happy to find that they have been able to graduate them on so economical a scale. In the great and often unexpected fluctuations to which the revenue is subjected, it is not possible to compute the receipts beforehand with great certainty; but should they not differ essentially from present anticipations, and should the appropriations not much exceed the estimates, no difficulty seems likely to happen in defraying the current expenses with promptitude and fidelity.

Notwithstanding the great embarrassments which have recently occurred in commercial affairs, and the liberal indulgence which, in consequence of those embarrassments, has been extended to both the merchants and the banks, it is gratifying to be able to anticipate that the Treasury notes, which have been issued during the present year, will be redeemed, and that the resources of the Treasury, without any resort to loans or increased taxes, will prove ample for defraying all charges imposed on it during 1838.

The Report of the Secretary of the Treasury will afford you a more minute exposition of all matters connected with the administration of the finances during the current year; a period which, for the amount of public moneys disbursed and deposited with the States as well as the financial difficulties encountered and overcome, has few parallels in our history. Your attention was, at the last session, invited to the necessity of additional legislative provisions in respect to the collection, safe-keeping, and transfer of the public money. No law having been then matured, and not understanding the proceedings of Congress as intended to be final, it becomes my duty to again bring the subject to your notice.

On that occasion, three modes of performing this branch of the public service were presented for consideration. These were: the creation of a national bank; the revival, with modifications, of the deposit system established by the act of the 23d of June, 1836, permitting the use of the public moneys by the banks, and the discontinuance of the use of such institutions for the purposes referred to, with suitable provisions for their accomplishment through the agency of public officers. Considering the opinions of both Houses of Congress on the two first propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last, you have had an opportunity since your adjournment, not only to test still further the expediency of the measure, by the continued practical operation of such parts of it as are now in force, but also to discover—what should ever be sought for and regarded with the utmost deference—the opinions and wishes of the people. The national will is the supreme law of the Republic, and, on all subjects within the limits of his constitutional powers, should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration, most of you have enjoyed the advantage of personal communication

with your constituents. For one State only has an election been held for the Federal Government; but the early day at which it took place, deprives the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for State officers have, however, been held in several of the States, at which the expediency of the plan proposed by the Executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember, that questions of far deeper and more immediate local interest, than the fiscal plans of the National Treasury, were involved in those elections. Above all, we cannot overlook the striking fact, that there were at the time in those States more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture—other large portions upheld only by special and limited legislative indulgences—and most of it, if not all, to a greater or less extent, dependent for a continuance of its corporate existence upon the will of the State Legislatures to be then chosen. Apprised of this circumstance, you will judge whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connection with the then pending elections, and the feelings it was calculated to infuse into the canvass, have exercised a far greater influence over the result, than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the General Government, more remote and far less important in its bearings upon that interest.

I have found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safety, either in the fiscal affairs of the Government, or in the pecuniary transactions of individuals and corporations, so long as a connection exists between them, which, like the past, offers such strong inducements to make them the subjects of political agitation. Indeed, I am more than ever convinced of the dangers to which the free and unbiassed exercise of political opinion—the only sure foundation and safeguard of republican Government—would be exposed by any further increase of the already overgrown influence of corporate authorities. I cannot, therefore, consistently with my views of duty, advise a renewal of a connection which circumstances have dissolved.

The discontinuance of the use of State banks for fiscal purposes ought not to be regarded as a measure of hostility toward those institutions. Banks, properly established and conducted, are highly useful to the business of the country, and will doubtless continue to exist in the States, so long as they conform to their laws, and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject, are questions which, as I observed on a previous occasion, belong to the States to decide. Upon their rights, or the exercise of them, the General Government can have no motive to encroach. Its duty toward them is well performed, when it refrains from legislating for their special benefit, because such legislation would violate the spirit of the con-

stitution, and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions to strengthen and improve their condition for the security and welfare of the community at large. They have no right to insist on a connection with the Federal Government, nor on the use of the public money for their own benefit. The object of the measure under consideration is, to avoid for the future a compulsory connection of this kind. It proposes to place the General Government, in regard to the essential points of the collection, safe-keeping, and transfer of the public money, in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations; to withdraw those moneys from the uses of private trade, and confide them to agents constitutionally selected and controlled by law; to abstain from improper interference with the industry of the people, and withhold inducements to improvident dealings on the part of individuals; to give stability to the concerns of the Treasury: to preserve the measures of the Government from the unavoidable reproaches that flow from such a connection, and the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape.

These are my views upon this important subject; formed after careful reflection, and with no desire but to arrive at what is most likely to promote the public interest. They are now, as they were before, submitted with unfeigned deference for the opinions of others. It was hardly to be hoped that changes so important, on a subject so interesting, could be made without producing a serious diversity of opinion; but so long as those conflicting views are kept above the influence of individual or local interests; so long as they pursue only the general good, and are discussed with moderation and candor, such a diversity is a benefit, not an injury. If a majority of Congress see the public welfare in a different light; and more especially if they should be satisfied that the measure proposed would not be acceptable to the people; I shall look to their wisdom to substitute such as may be more conducive to the one, and more satisfactory to the other. In any event, they may confidently rely on my hearty co-operation to the fullest extent, which my views of the constitution and my sense of duty will permit.

It is obviously important to this branch of the public service, and to the business and quiet of the country, that the whole subject should in some way be settled and regulated by law; and, if possible, at your present session. Besides the plans above referred to, I am not aware that any one has been suggested, except that of keeping the public money in the State banks in special deposit. This plan is, to some extent, in accordance with the practice of the Government, and with the present arrangement of the Treasury Department; which, except, perhaps, during the operation of the late deposit act, has always been allowed, even during the existence of a National Bank, to make a temporary use of the State banks, in particular places, for the safe-keeping of portions of the revenue. This discretionary power might be continued, if Congress deem it desirable, whatever general system be adopted. So long as the connection is voluntary, we need perhaps anticipate few of those difficulties, and little of that dependence, on the banks, which must attend every such connec-

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tion when compulsory in its nature, and when so arranged as to make the banks a fixed part of the machinery of Government. It is undoubtedly in the power of Congress, so to regulate and guard it as to prevent the public money from being applied to the use, or intermingled with the affairs, of individuals. Thus arranged, although it would not give to the Government that entire control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree, accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the Government from those of individuals or corporations. With these observations, I recommend the whole matter to your dispassionate reflection; confidently hoping that some conclusion may be reached by your deliberations, which, on the one hand, shall give safety and stability to the fiscal operations of the Government, and be consistent on the other, with the genius of our institutions, and with the interests and wishes of the great mass of our constituents.

It was my hope that nothing would occur to make necessary, on this occasion, any allusion to the late National Bank. There are circumstances, however, connected with the present state of its affairs, that bear so directly on the character of the Government and the welfare of the citizen, that I should not feel myself excused in neglecting to notice them. The charter which terminated its banking privileges, on the fourth of March, 1836, continued its corporate powers two years more, for the sole purpose of closing its affairs, with authority "to use the corporate name, style, and capacity, for the purpose of suits for a final settlement and liquidation of the affairs and acts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but for no other purpose or in any other manner whatsoever." Just before the banking privileges ceased, its effects were transferred by the bank to a new State institution then recently incorporated, in trust, for the discharge of its debts, and the settlement of its affairs. With this trustee, by authority of Congress, an adjustment was subsequently made of the large interest which the Government had in the stock of the institution. The manner in which a trust unexpectedly created upon the act granting the charter, and involving such great public interests, has been executed, would, under any circumstances, be a fit subject of inquiry; but much more does it deserve your attention, when it embraces the redemption of obligations to which the authority and credit of the United States have given value. The two years allowed are now nearly at an end. It is well understood that the trustee has not redeemed and cancelled the outstanding notes of the bank, but has reissued, and is actually reissuing, since the third of March, 1836, the notes which have been received by it to a vast amount. According to its own official statement, so late as the first of October last, nineteen months after the banking privileges given by the charter had expired, it had under its control uncanceled notes of the late Bank of the United States to the amount of twenty-seven millions five hundred and sixty-one thousand eight hundred and sixty-six dollars, of which six millions one hundred and seventy-five thousand eight hundred and sixty-one dollars were in actual circulation, one million four hundred and sixty-eight thousand six hundred and twenty-seven dollars at State bank agencies, and three millions two thousand three hundred and ninety dollars *in transitu*; thus showing that upwards

of ten millions and a half of the notes of the old bank were then still kept outstanding. The impropriety of this procedure is obvious: it being the duty of the trustee to cancel and not to put forth the notes of an institution, whose concerns it had undertaken to wind up. If the trustee has a right to reissue these notes now, I can see no reason why it may not continue to do so after the expiration of the two years. As no one could have anticipated a course so extraordinary, the prohibitory clause of the charter above quoted was not accompanied by any penalty or other special provision for enforcing it; nor have we any general law for the prevention of similar acts in future.

But it is not in this view of the subject alone that your interposition is required. The United States, in settling with the trustee for their stock, have withdrawn their funds from their former direct liability to the creditors of the old bank, yet notes of the institution continue to be sent forth in its name, and apparently upon the authority of the United States. The transactions connected with the employment of the bills of the old bank are of vast extent; and should they result unfortunately, the interest of individuals may be deeply compromised. Without undertaking to decide how far, or in what form, if any, the trustee could be made liable for notes which contain no obligation on its part; or the old bank, for such as are put in circulation after the expiration of its charter, and without its authority; or the Government for indemnity, in case of loss, the question still presses itself upon your consideration, whether it is consistent with duty and good faith on the part of the Government, to witness this proceeding without a single effort to arrest it.

The report of the Commissioner of the General Land Office, which will be laid before you by the Secretary of the Treasury, will show how the affairs of that office have been conducted for the past year. The disposition of the public lands is one of the most important trusts confided to Congress. The practicability of retaining the title and control of such extensive domains in the General Government, and at the same time admitting the Territories embracing them into the Federal Union as co-equals with the original States, was seriously doubted by many of our wisest statesmen. All feared that they would become a source of discord, and many carried their apprehensions so far as to see in them the seeds of a future dissolution of the Confederacy. But happily our experience has already been sufficient to quiet, in a great degree, all such apprehensions. The position, at one time assumed—that the admission of new States into the Union on the same footing with the original States, was incompatible with a right of soil in the United States, and operated as a surrender thereof, notwithstanding the terms of the compacts by which their admission was designed to be regulated—has been wisely abandoned. Whether in the new or the old States, all now agree that the right of soil to the public lands remains in the Federal Government, and that these lands constitute a common property, to be disposed of for the common benefit of all the States, old and new. Acquiescence in this just principle by the people of the new States has naturally promoted a disposition to adopt the most liberal policy in the sale of the public lands. A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary, it is generally

conceded, that whilst the mode of disposition adopted by the Government, should always be a prudent one, yet its leading object ought to be the early settlement and cultivation of the lands sold; and that it should discountenance, if it cannot prevent, the accumulation of large tracts in the same hands, which must necessarily retard the growth of the New States, or entail upon them a dependent tenantry, and its attendant evils.

A question embracing such important interests, and so well calculated to enlist the feelings of the people in every quarter of the Union, has very naturally given rise to numerous plans for the improvement of the existing system. The distinctive features of the policy that has hitherto prevailed, are, to dispose of the public lands at moderate prices, thus enabling a greater number to enter into competition for their purchase, and accomplishing a double object of promoting their rapid settlement by the purchasers, and at the same time increasing the receipts of the Treasury; to sell for cash, thereby preventing the disturbing influence of a large mass of private citizens indebted to the Government, which they have a voice in controlling; to bring them into market no faster than good lands are supposed to be wanted for improvements, thereby preventing the accumulation of large tracts in few hands; and to apply the proceeds of the sales to the general purposes of the Government; thus diminishing the amount to be raised from the people of the States by taxation, and giving each State its portion of the benefits to be derived from this common fund in a manner the most quiet, and at the same time, perhaps, the most equitable, that can be devised. These provisions, with occasional enactments in behalf of special interests deemed entitled to the favor of the Government, have, in their execution, produced results as beneficial upon the whole as could reasonably be expected in a matter so vast, so complicated, and so exciting. Upwards of seventy millions of acres have been sold, the greater part of which is believed to have been purchased for actual settlement. The population of the new States and Territories created out of the public domain, increased between 1800 and 1830 from less than sixty thousand to upwards of two millions three hundred thousand souls, constituting, at the latter period, about one-fifth of the whole people of the United States. The increase since cannot be accurately known, but the whole may now be safely estimated at over three and a half millions of souls; composing nine States, the representatives of which constitute above one-third of the Senate and over one-sixth of the House of Representatives of the United States.

Thus has been formed a body of free and independent landholders, with a rapidity unequalled in the history of mankind; and this great result has been produced without leaving any thing for future adjustment between the Government and its citizens. The system under which so much has been accomplished cannot be intrinsically bad, and with occasional modifications, to correct abuses and adapt it to changes of circumstances, may, I think, be safely trusted for the future. There is, in the management of such extensive interests, much virtue in stability, and although great and obvious improvements should not be declined, changes should never be made without the fullest examination, and the clearest demonstration of their practical utility. In the history of the past, we have an assurance that this safe rule of action will not be departed from in relation to the

public lands; nor is it believed that any necessity exists for interfering with the fundamental principles of the system, or that the public mind, even in the new States, is desirous of any radical alterations. On the contrary, the general disposition appears to be, to make such modifications and additions only as will the more effectually carry out the original policy of filling our new States and Territories with an industrious and independent population.

The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands as are ascertained to be unsalable at the rate now established by law, and a graduation, according to their relative value, of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps forever, by an asonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at one uniform price, whatever difference there might be in their intrinsic value. The leading considerations urged in favor of the measure referred to are, that in almost all the land districts, and particularly in those in which the lands have been long surveyed and exposed to sale, there are still remaining numerous and large tracts of every gradation of value, from the Government price downwards; that these lands will not be purchased at the Government price, so long as better can be conveniently obtained for the same amount; that there are large tracts which even the improvements of the adjacent lands will never raise to that price; and that the present uniform price, combined with their irregular value, operates to prevent a desirable compactness of settlement in the new States, to retard the full development of that wise policy on which our land system is founded, to the injury not only of the several States where the lands lie, but of the United States as a whole.

The remedy proposed has been a reduction of prices according to the length of time the lands have been in market, without reference to any other circumstances. The certainty that the efflux of time would not always in such cases, and perhaps not even generally, furnish a true criterion of value; and the probability that persons residing in the vicinity, as the period for the reduction of prices approached, would postpone purchases they would otherwise make, for the purpose of availing themselves of the lower price, with other considerations of a similar character, have hitherto been successfully urged to defeat the graduation upon time.

May not all reasonable desires upon this subject be satisfied without encountering any of these objections? All will concede the abstract principle, that the price of the public lands should be proportioned to their relative value, so far as that can be accomplished without departing from the rule heretofore observed, requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is. Would not the safest plan be that which has been adopted by many of the States as the basis of taxation—an actual valuation of lands, and classification of them into different rates? Would it not be practicable and expedient to cause the relative value of the public lands in the old districts, which have been for a certain length of time in market, to be appraised, and

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classed into two or more rates below the present minimum price, by the officers now employed in this branch of the public service, or in any other mode deemed preferable, and to make those prices permanent, if upon the coming in of the report they shall prove satisfactory to Congress? Cannot all the objects of graduation be accomplished in this way, and the objections which have hitherto been urged against it cease? It would seem to me that such a step as the restriction of the sales to limited quantities, and for actual improvement, would be free from all just exception.

By the full exposition of the value of the lands thus furnished and extensively promulgated, persons living at a distance would be informed of their true condition, and enabled to enter into competition with those residing in the vicinity; the means of acquiring an independent home would be brought within the reach of many who are unable to purchase at present prices; the population of the new States would be made more compact, and large tracts would be sold which would otherwise remain on hand; not only would the land be brought within the means of a larger number of purchasers, but many persons possessed of greater means would be content to settle on a larger quantity of the poorer lands, rather than emigrate further west in pursuit of a smaller quantity of better lands. Such a measure would also seem to be more consistent with the policy of the existing laws—that of converting the public domain into cultivated farms owned by their occupants. That policy is not best promoted by sending emigration up the almost interminable streams of the West, to occupy in groups the best spots of land, leaving immense wastes behind them, and enlarging the frontier beyond the means of their Government to afford it adequate protection; but in encouraging it to occupy, with reasonable denseness, the territory over which it advances, and find its best defence in the compact front which it presents to the Indian tribes. Many of you will bring to the consideration of the subject the advantages of local knowledge and greater experience, and all will be desirous of making an early and final disposition of every disturbing question in regard to this important interest. If these suggestions shall in any degree contribute to the accomplishment of so important a result, it will afford me sincere satisfaction.

In some sections of the country, most of the public lands have been sold, and the registers and receivers have very little to do. It is a subject worthy of inquiry whether, in many cases, two or more districts may not be consolidated, and the number of persons employed in this business considerably reduced. Indeed, the time will come when it will be the true policy of the General Government, as to some of the States, to transfer to them, for a reasonable equivalent, all the refuse and unsold lands, and to withdraw the machinery of the federal land offices altogether. All who take a comprehensive view of our federal system, and believe that one of its greatest excellences consists in interfering as little as possible with the internal concerns of the States, look forward with great interest to this result.

A modification of the existing laws in respect to the prices of the public lands, might also have a favorable influence on the legislation of Congress, in relation to another branch of the subject. Many who have not the ability to buy at present prices, settle on those lands, with the hope of acquiring from their cultivation the means of purchasing under pre-emp-

tion laws, from time to time passed by Congress. For this encroachment on the rights of the United States, they excuse themselves under the plea of their own necessities; the fact that they dispossess nobody, and only enter upon the waste domain; that they give additional value to the public lands in their vicinity, and their intention ultimately to pay the Government price. So much weight has from time to time been attached to these considerations, that Congress have passed laws giving actual settlers on the public lands a right of pre-emption to the tracts occupied by them at the minimum price. These laws have in all instances been retrospective in their operation; but in a few years after their passage, crowds of new settlers have been found on the public lands, for similar reasons, and under like expectations, who have been indulged with the same privileges. This course of legislation tends to impair public respect for the laws of the country. Either the laws to prevent intrusion upon the public lands should be executed, or, if that should be impracticable or inexpedient, they should be modified or repealed. If the public lands are to be considered as open to be occupied by any, they should, by law, be thrown open to all. That which is intended, in all instances, to be legalized, should at once be made legal, that those who are disposed to conform to the laws may enjoy at least equal privileges with those who are not. But it is not believed to be the disposition of Congress to open the public lands to occupancy without regular entries and payment of the Government price, as such a course must tend to worse evils than the credit system, which it was found necessary to abolish. It would seem, therefore, to be the part of wisdom and sound policy to remove, as far as practicable, the causes which produce intrusions upon the public lands, and then take efficient steps to prevent them in future. Would any single measure be so effective in removing all plausible grounds for those intrusions as the graduation of price already suggested? A short period of industry and economy in any part of our country would enable the poorest citizen to accumulate the means to buy him a home at the lower prices, and leave him without apology for settling on lands not his own. If he did not, under such circumstances, he would enlist no sympathy in his favor; and the laws would be readily executed without doing violence to public opinion.

A large portion of our citizens have seated themselves on the public lands, without authority, since the passage of the last pre-emption law, and now ask the enactment of another to enable them to retain the lands occupied, upon payment of the minimum Government price. They ask that which has been repeatedly granted before. If the future may be judged of by the past, little harm can be done to the interests of the Treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales since the introduction of cash payments in 1820, have produced, on an average, the net revenue of only six cents an acre more than the minimum Government price. There is no reason to suppose that future sales will be more productive. The Government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy, for the purpose of selling them to others.

Entertaining these views, I recommend the passage of a pre-emption law for their benefit, in connection with the preparatory steps toward the grad-

uation of the price of the public lands, and further and more effectual provisions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions were excused, and adopting more efficient means to prevent them hereafter, appear to me the most judicious disposition which can be made of this difficult subject. The limitations and restrictions to guard against abuses in the execution of a pre-emption law, will necessarily attract the careful attention of Congress; but under no circumstances is it considered expedient to authorize floating claims in any shape. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the Government on industrious settlers, are often used only to minister to a spirit of cupidity at the expense of the most meritorious of that class.

The accompanying report of the Secretary of War will bring to your view the state of the Army, and all the various subjects confided to the superintendence of that officer.

The principal part of the Army has been concentrated in Florida, with a view, and in the expectation, of bringing the war in that Territory to a speedy close. The necessity of stripping the posts on the maritime and inland frontiers of their entire garrisons, for the purpose of assembling in the field an army of less than four thousand men, would seem to indicate the necessity of increasing our regular forces; and the superior efficiency, as well as greatly diminished expense of that description of troops, recommend this measure as one of economy as well as of expediency. I refer to the report for the reasons which have induced the Secretary of War to urge the reorganization and enlargement of the staff of the Army, and of the ordnance corps, in which I fully concur.

It is not, however, compatible with the interest of the people to maintain, in time of peace, a regular force adequate to the defence of our extensive frontiers. In periods of danger and alarm, we must rely principally upon a well-organized militia; and some general arrangement that will render this description of force more efficient, has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has been since frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision of the constitution that renders it necessary to adopt a uniform system of organization for the militia throughout the United States, presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the Secretary of War, for the organization of volunteer corps, and the instruction of militia officers, as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

A moderate increase of the corps, both of military and topographical engineers, has been more than once recommended by my predecessor; and my conviction of the propriety, not to say necessity, of the measure, in order to enable them to perform the various and important duties imposed upon them, induces me to repeat the recommendation.

The Military Academy continues to answer all the

purposes of its establishment, and not only furnishes well-educated officers to the Army, but serves to diffuse throughout the mass of our citizens individuals possessed of military knowledge, and the scientific attainments of civil and military engineering. At present, the cadet is bound, with consent of his parents or guardians, to remain in service five years from the period of his enlistment, unless sooner discharged; thus exacting only one year's service in the Army after his education is completed. This does not appear to me sufficient. Government ought to command for a longer period the services of those who are educated at the public expense; and I recommend that the time of enlistment be extended to seven years, and the terms of the engagement strictly enforced.

The creation of a national foundry for cannon, to be common to the service of the Army and Navy of the United States, has been heretofore recommended, and appears to be required in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices of those articles, and graduate the supplies to the wants of the Government, as well as to regulate their quality and ensure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the Ordnance office. The establishment of a manufactory of small arms west of the Alleghany mountains, upon the plan proposed by the Secretary of War, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic States, and tend to a much more economical distribution of the armament required in the western portion of our Union.

The system of removing the Indians west of the Mississippi, commenced by Mr. Jefferson, in 1804, has been steadily persevered in by every succeeding President, and may be considered the settled policy of the country. Unconnected at first with any well-defined system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the West; but when the beneficial effects of their removal were made apparent, a more philanthropic and enlightened policy was adopted, in purchasing their lands east of the Mississippi. Liberal prices were given, and provisions inserted in all the treaties with them, for the application of the funds they received in exchange, to such purposes as were best calculated to promote their present welfare, and advance their future civilization. These measures have been attended thus far with the happiest results.

It will be seen, by referring to the report of the Commissioner of Indian Affairs, that the most sanguine expectations of the friends and promoters of this system have been realized. The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi, have, for the most part, abandoned the hunter state, and become cultivators of the soil. The improvement in their condition has been rapid, and it is believed that they are now fitted to enjoy the advantages of a simple form of government, which has been submitted to them and received their sanction; and I cannot too strongly urge this subject upon the attention of Congress.

Stipulations have been made with all the Indian tribes to remove them beyond the Mississippi, except with the band of the Wyandotts, the Six Na-

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tions in New York, the Menomonees, Mandans and Stockbridges in Wisconsin, and Miamies in Indiana. With all but the Menomonees, it is expected that arrangements for their emigration will be completed the present year. The resistance which has been opposed to their removal by some of the tribes, even after treaties had been made with them to that effect, has arisen from various causes, operating differently on each of them. In most instances they have been instigated to resistance by persons to whom the trade with them and the acquisition of their annuities were important; and in some by the personal influence of interested chiefs. These obstacles must be overcome; for the Government cannot relinquish the execution of this policy without sacrificing important interests, and abandoning the tribes remaining east of the Mississippi to certain destruction.

The decrease in numbers of the tribes within the limits of the States and Territories has been most rapid. If they be removed, they can be protected from those associations and evil practices which exert so pernicious and destructive an influence over their destinies. They can be induced to labor, and to acquire property, and its acquisition will inspire them with a feeling of independence. Their minds can be cultivated, and they can be taught the value of salutary and uniform laws, and be made sensible of the blessings of free government, and capable of enjoying its advantages. In the possession of property, knowledge, and a good government, free to give what direction they please to their labor, and sharers in the legislation by which their persons and the profits of their industry are to be protected and secured, they will have an ever-present conviction of the importance of union, of peace among themselves, and of the preservation of amicable relations with us. The interests of the United States would also be greatly promoted by freeing the relations between the General and State Governments from what has proved a most embarrassing incumbrance, by a satisfactory adjustment of conflicting titles to lands, caused by the occupation of the Indians, and by causing the resources of the whole country to be developed by the power of the State and General Governments, and improved by the enterprise of a white population.

Intimately connected with this subject is the obligation of the Government to fulfil its treaty stipulations, and to protect the Indians thus assembled "at their new residences from all interruptions and disturbances from any other tribes or nations of Indians, or from any other person or persons whatsoever," and the equally solemn obligation to guard from Indian hostility its own border settlements, stretching along a line of more than one thousand miles. To enable the Government to redeem this pledge to the Indians, and to afford adequate protection to its own citizens, will require the continual presence of a considerable regular force on the frontiers, and the establishment of a chain of permanent posts. Examinations of the country are now making, with a view to decide on the most suitable points for the erection of fortresses and other works of defence, the results of which will be presented to you by the Secretary of War at an early day, together with a plan for the effectual protection of friendly Indians, and the permanent defence of the frontier States.

By the report of the Secretary of the Navy, herewith communicated, it appears that unremitting exertions have been made at the different navy yards, to carry into effect all authorized measures for the extension and employment of our naval force. The launching and preparation of the ship of the line *Pennsylvania*, and the complete repairs of the ships of the line *Ohio*, *Delaware*, and *Columbus*, may be noticed, as forming a respectable addition to this important arm of our national defence. Our commerce and navigation have received increased aid and protection during the present year. Our squadrons in the Pacific and on the Brazilian station have been much increased, and that in the Mediterranean, although small, is adequate to the present wants of our commerce in that sea. Additions have been made to our squadron on the West India station, where the large force under Commodore Dallas has been most actively and efficiently employed in protecting our commerce, in preventing the importation of slaves, and in co-operating with officers of the army in carrying on the war in Florida.

The satisfactory condition of our naval force abroad leaves at our disposal the means of conveniently providing for a home squadron, for the protection of commerce upon our extensive coast. The amount of appropriations required for such a squadron will be found in the general estimates for the naval services for the year 1838.

The naval officers engaged upon our coast survey have rendered important service to our navigation. The discovery of a new channel into the harbor of New York, through which our largest ships may pass without danger, must afford important commercial advantages to that harbor, and add greatly to its value as a naval station. The accurate survey of George's shoals off the coast of Massachusetts, lately completed, will render comparatively safe a navigation hitherto considered dangerous.

Considerable additions have been made to the number of captains, commanders, lieutenants, surgeons, and assistant surgeons, in the Navy. These additions were rendered necessary, by the increased number of vessels put in commission, to answer the exigencies of our growing commerce.

Your attention is respectfully invited to the various suggestions of the Secretary, for the improvement of the naval service.

The report of the Postmaster General exhibits the progress and condition of the mail service. The operations of the Post Office Department constitute one of the most active elements of our national prosperity, and it is gratifying to observe with what vigor they are conducted. The mail routes of the United States cover an extent of about one hundred and forty-two thousand eight hundred and seventy-seven miles, having been increased about thirty-seven thousand one hundred and three miles within the last two years. The annual mail transportation on these routes is about thirty-six millions two hundred and twenty-eight thousand nine hundred and sixty-two miles, having been increased about ten millions three hundred and fifty-nine thousand four hundred and seventy-six miles within the same period. The number of post offices has also been increased from ten thousand seven hundred and seventy to twelve thousand and ninety-nine, very few of which receive the mails less than once a week, and a large portion of them daily. Contractors and postmasters in general are

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represented as attending to their duties with most commendable zeal and fidelity.

The revenue of the Department, within the year ending on the thirtieth June last, was four millions one hundred and thirty-seven thousand and fifty-six dollars and fifty-nine cents; and its liabilities accruing within the same time were three millions three hundred and eighty thousand eight hundred and forty-seven dollars and seventy-five cents. The increase of revenue over that of the preceding year was seven hundred and eight thousand one hundred and sixty-six dollars and forty-one cents.

For many interesting details I refer you to the report of the Postmaster General, with the accompanying paper. Your particular attention is invited to the necessity of providing a more safe and convenient building for the accommodation of that Department.

I lay before Congress copies of reports submitted in pursuance of a call made by me upon the heads of Departments, for such suggestions as their experience might enable them to make as to what further legislative provisions may be advantageously adopted to secure the faithful application of public moneys to the objects for which they are appropriated; to prevent their misapplication or embezzlement by those intrusted with the expenditure of them; and generally to increase the security of the Government against losses in their disbursement. It is needless to dilate on the importance of providing such new safeguards as are within the power of legislation to promote these ends; and I have little to add to the recommendations submitted in the accompanying papers.

By law, the terms of service of our most important collecting and disbursing officers in the civil departments are limited to four years, and when reappointed, their bonds are required to be renewed.

The safety of the public is much increased by this feature of the law, and there can be no doubt that its application to all officers entrusted with the collection or disbursement of the public money, whatever may be the tenure of their offices, would be equally beneficial. I therefore recommend, in addition to such of the suggestions presented by the heads of Departments as you may think useful, a general provision, that all officers of the Army or Navy, or in the Civil Department, entrusted with the receipt or payment of public money, and whose term of service is either unlimited or for a longer time than four years, be required to give bonds, with good and sufficient sureties, at the expiration of every such period.

A change in the period of terminating the fiscal year, from the first of October to the first of April, has been frequently recommended, and appears to be desirable.

The distressing casualties in steamboats, which have so frequently happened during the year, seem to evince the necessity of attempting to prevent them, by means of severe provisions connected with their custom-house papers. This subject was submitted to the attention of Congress by the Secretary of the Treasury in his last annual report, and will be again at the present session, with additional details. It will doubtless receive that early and careful consideration which its pressing importance appears to require.

Your attention has heretofore been frequently called to the affairs of the District of Columbia,

and I should not again ask it, did not their entire dependence on Congress give them a constant claim upon its notice. Separated by the constitution from the rest of the Union, limited in extent, and aided by no Legislature of its own, it would seem to be a spot where a wise and uniform system of local government might have been easily adopted. This District, however, unfortunately, has been left to linger behind the rest of the Union; its codes, civil and criminal, are not only very defective, but full of obsolete or inconvenient provisions; being formed of portions of two States, discrepancies in the laws prevail in different parts of the territory, small as it is; and although it was selected as the seat of the General Government, the site of its public edifices, the depository of its archives, and the residence of officers intrusted with large amounts of public property, and the management of public business, yet it has never been subjected to, or received, that special and comprehensive legislation which these circumstances peculiarly demand. I am well aware of the various subjects of greater magnitude and immediate interest that press themselves on the consideration of Congress; but I believe there is not one that appeals more directly to its justice than a liberal, and even generous, attention to the interests of the District of Columbia, and a thorough and careful revision of its local government.

M. VAN BUREN.

WASHINGTON, Dec. 5th, 1837.

Five thousand copies of the Message, and fifteen hundred copies of the accompanying documents, were ordered to be printed.

Death of Senator Kent.

MR. CLAY, of Kentucky, rose and said, that in the absence of the only surviving Senator from Maryland, (whose duty it would have been to have announced the demise of his colleague,) the melancholy task would devolve upon him, of detailing to the Senate what already was but too well known, to wit: the lamented death of Governor KENT, who expired on the 24th of last month, aged 69 years. Mr. C. feelingly and eloquently alluded to the long friendship that had subsisted between himself, and the distinguished deceased, and spoke of his services to his own State, in her Legislature, in the Executive chair, &c., all which stations he had filled with consummate ability, and with general satisfaction to the people. No one, Mr. C. maintained, had ever brought into the public councils more integrity of purpose, or a greater share of strong discriminating sense. It was true he seldom spoke in debate, but when he did it was always to the purpose, without being ambitious of the ornament of language. Twenty-six years ago Mr. C. entered public life with the deceased in the House of Representatives, since which brief space of time how many things had occurred, how many questions arisen, that were supposed would shake the Confederacy to its very centre? Still he was gratified to find that the stars and stripes floated triumphantly, and the country was marching onward to its high destiny, unchecked in its

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career. Mr. C. adverted to the private worth of his deceased friend: his mansion was the seat of generous hospitality, and his heart ever replete with kindness; his loss was not only to Maryland, to the Senate, but to the country at large, and to none more than the people of this District, whose firm and zealous friend he had ever been, all of whom would recollect the thrilling appeal made in their behalf, not sixty days ago. His place would soon again be filled—ably and respectably filled; but no successor could bring a purer heart or sounder head. It now only remained for them to discharge the last melancholy duties due to departed worth; for which purpose, he would introduce the following resolutions:

Resolved, That in token of respect for the memory of the Hon. J. KENT, of Maryland, the Senators wear crape on the arm for thirty days.

Resolved, That the Senate do now adjourn.

Which resolutions were unanimously adopted.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 5.

The annual Message of the President was received by the hands of his private secretary, ABRAHAM VAN BUREN, Esq.

Mr. HAYNES moved that it be committed to a Committee of the Whole on the state of the Union, and that fifteen thousand copies thereof, with the accompanying documents, and five thousand copies without the documents, be printed for the use of the members of the House; which resolution was agreed to.

IN SENATE.

MONDAY, December 11.

MESSRS. BAYARD, RUGGLES, and SPENCER, took their seats.

Mr. ROBBINS moved that the CHAIR appoint a committee of three to direct the expenditure of the money appropriated for the Library of Congress; and Messrs. ROBBINS, ALLEN, and WALL, were appointed.

TUESDAY, December 12.

Mr. CUTHBERT, from Georgia, took his seat.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 12.

Abolition of Slavery in the District of Columbia.

Mr. ADAMS presented a petition, praying for the abolition of slavery and the slave-trade in the District of Columbia, and moved that it, and the petitions presented by himself and colleagues at the late special session on the same subject, embracing upwards of 50,000 signers, be referred to the Committee for the District of Columbia, with instructions to consider and report thereon.

Mr. WISE moved to lay that motion on the table.

Mr. PORTS asked for the yeas and nays on that motion; which were ordered, and were:

YEAS.—Messrs. Alexander, Anderson, Atherton, Ayrcrigg, Beirne, Bell, Birdsall, Boon, Bouldin, Brodhead, Buchanan, John Calhoun, Cambreleng, Wm. B. Campbell, John Campbell, W. B. Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Cilley, Claiborne, Clark, Cleveland, Clowney, Coles, Craig, Crary, Crockett, Cushman, Dawson, Deberry, DeGraff, Dromgoole, Edwards, Ewing, Farrington, Fairfield, Fry, Gallup, J. Garland, Gholson, J. Graham, Grantland, Graves, Griffin, Haley, Hammond, Hamer, Harlan, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, J. Jackson, Jenifer, J. Johnson, W. C. Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Lawler, Legare, Logan, Loomis, Lyon, Malory, Martin, Maury, May, McKay, A. McClellan, McClure, McKim, Menifee, Mercer, Miller, Montgomery, Morgan, Muhlenberg, Murray, Noble, Palmer, Pearce, Pennybacker, Petrikin, Phelps, Plumer, Pope, Pratt, Prentiss, Rhett, Rives, Robertson, Rumsey, A. H. Shepperd, C. Shepard, Shields, Shepler, Smith, Snyder, Southgate, Spencer, Stanly, Steward, Stone, Stratton, Taliaferro, Taylor, Thomas, Titus, Toucey, Turney, Underwood, Vail, Vanderveer, Wagener, Weeks, A. S. White, J. White, L. Williams, Sherrod Williams, J. W. Williams, C. H. Williams, Wise, Worthington, and Yell—135.

NAYS.—Messrs. Adams, H. Allen, J. W. Allen, Bicknell, Biddle, Bond, Borden, Briggs, Bronson, Wm. B. Calhoun, Childs, Corwin, Cranston, Curtis, Cushing, Darlington, Davies, Duncan, Dunn, Everett, R. Fletcher, Fillmore, Foster, Goode, W. Graham, Grant, Gray, Grennell, Hall, Harper, Hastings, Henry, Herod, Hoffman, Ingham, T. B. Jackson, Kilgore, Lincoln, Marvin, S. Mason, Maxwell, Robert McClellan, McKennan, Milligan, M. Morris, Samuel W. Morris, C. Morris, Naylor, Noyes, Ogle, Parker, Parmenter, Patterson, Peck, Phillips, Potts, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sibley, Slade, Tillinghast, Toland, Webster, E. Whittlesey, Thos. T. Whittlesey, and Yorke—70.

Mr. ADAMS presented several other petitions from Massachusetts, Pennsylvania, etc., on the same subject, and made the same motions of reference, which were severally laid on the table, on motion of Mr. WISE.

Mr. ADAMS then presented another of the same tenor.

Mr. LAWLER raised the preliminary question of reception, which was decided by—yeas 144, nays 60.

So the petition was received.

When the name of Mr. RIVES was called, he inquired of the Chair the effect of this motion prevailing.

The CHAIR replied that it left the petition at the disposition of the House.

Mr. RIVES said then he should vote for the reception, in order to give this petition the same disposition as had been given to the others, viz., laying them on the table.

Mr. WISE explained, that the reason he had not originally raised the question moved by the gentleman from Alabama, was, that the question just decided had already been decided so often by the House, by Southern as well as by

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Northern members voting to receive abolition petitions. It was for that reason he had moved to lay the motion of reference on the table, for he was determined to meet the question at every step where it could be met. Mr. W. asked the gentleman from Massachusetts to include all his petitions in one motion.

Mr. ADAMS said he could not assent to it. He then presented a petition for the abolition of slavery in the Territories of the United States, and moved its reference to the Committee on the Territories.

Mr. WISE moved to lay that motion on the table.

Mr. ADAMS asked for the yeas and nays; which were ordered; and were—yeas 127, nays 73.

IN SENATE.

WEDNESDAY, December 13.

MESSRS. BLACK and SOUTHAARD took their seats.

The Hon. WILSON LUMPKIN, Senator elect from Georgia, and the Hon. A. H. SEVIER, Senator elect from Arkansas, were qualified and took their seats.

THURSDAY, December 14.

The Expunging Resolution.

Mr. BAYARD said that at the last regular session of Congress he had presented the resolution of the State which he had the honor in part to represent, against the defacement of the journal by what has been commonly called the *Expunging Resolution*, and at that time gave notice that he should at the ensuing session, and so long as he had the honor of a seat here, contend against that measure. When he gave that notice, appearances were much against the probability of success, but the dawn of a brighter and better day had broken upon us, which led him to hope the accomplishment of his purpose was near at hand. The Senator from Pennsylvania (Mr. BUCHANAN) had, in the benevolence of his feelings, when he (Mr. BAYARD) announced his intention of introducing a rescinding resolution at the last session, expressed his hope that he might live to see its adoption; meaning, no doubt, to bestow upon him a lengthened term of existence, if not an immortality, in the same spirit of complaisance in which a Spaniard wishes you may live a thousand years. But, Mr. B. said, he should be very sorry to have his life cut short as speedily as it was now probable that event would occur.

The resolution he presented was to rescind the expunging resolution, without professing to express any opinion on the merits of the original resolution of 1834. He moved that the resolution be laid upon the table, and printed; namely:

Whereas, the Senate of the United States, in the exercise of its functions, as a deliberative assembly,

did, on the 28th day of March, 1834, adopt the following resolution:

"Resolved, That the President, in the late Executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

And whereas, afterwards, to wit, on the 16th day of January, 1837, the Senate, in reference to the above resolution, adopted another as follows:

"Resolved, That the said resolve be expunged from the Journal; and, for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript Journal of the session of 1833-4 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the words following: Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837."

And whereas the Constitution of the United States expressly requires that each House of Congress shall keep a journal of its proceedings, meaning thereby to preserve a faithful and permanent record of those proceedings:

And whereas the Senate of the United States, independently of its legislative, executive, and judicial functions, has the inherent right, as a deliberative assembly, to express its opinions, which can be done only by resolutions:

And whereas its opinions, when thus expressed, become part of its proceedings, of which the constitution provides that a permanent record shall be kept:

And whereas the resolution of the 16th of January, 1837, and the act of the Secretary of the Senate in compliance with it, was a violation of the constitution, inasmuch as, in legal contemplation, it destroyed, and in fact defaced, the record of the proceedings to which it refers: wherefore,

Resolved, That the resolution of the 16th of January, 1837, commonly called the expunging resolution, be, and the same is hereby, rescinded, and shall for ever hereafter be held as naught; and that, in all future publications of that portion of the Journal which contains the resolution of 1833-4, and in all copies which may hereafter be made of the same, for any official or legal purpose, the said resolution of 1833-4 shall be published and copied as it was originally entered upon the said Journal, without any notice whatever of the superscription, which was erroneously, irregularly, and unconstitutionally made, in pursuance of the resolution of the 16th of January, 1837.

Mr. BUCHANAN said the Senator from Delaware must desire a very long existence in this vale of tears, if he expected to live until what was asked by the resolution was adopted. The Senator has been pleased to say he would not be willing to die so soon. He certainly wished the Senator long life and prosperity; but to remain until his aim was accomplished, would be to render him miserable, unless he feasted on the Medean herb to renovate his youth. The gentleman has been pleased to allude to the dawning light which he fancies is beginning to glimmer on his political prospects. I admit (said Mr. B.) that there have been some few dark clouds in our Northern horizon; but we turn

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from them to the brilliant, sunny skies of the South, where all is bright and cheering. The gentleman and his friends are encouraged, I know, and I am willing they should hope on, having no disposition to throw obstacles in the way of their anticipations; but, unless I am more mistaken than I ever was in all my life, there will come a frost, a nipping frost—[Here some Senator observed “a killing”]—well, “a killing” frost, that will blight all their fair crop of hopes. I should not have made even this short reply, if the gentleman had not alluded to a quaint remark of mine, made at the last session.

MONDAY, December 18.

Mr. CALHOUN, took his seat.

Anti-Texas Annexation Petition.

Mr. WALL presented a memorial from twelve men and thirteen women, remonstrating against the annexation of Texas to the United States.

Abolition of Slavery in the District of Columbia.

Mr. WALL presented the petition of 115 ladies of Gloucester county, New Jersey, praying the immediate abolition of slavery in the District of Columbia.

Mr. CLAY said that it was manifest that the subject of slavery in the District of Columbia was extending itself in the public mind, and daily engaging more and more of the public attention. He had no hesitation in saying that Congress ought not to do what was asked by the petitioners without the consent of the people of the District of Columbia. He was desirous of inquiring of the Senator from New Jersey, or any other conversant with the subject, whether the feeling of abolition in the abstract was extending itself in their respective States, or whether it was not becoming mixed up with other matters—such, for instance, in the belief that the sacred right of petition had been assailed. It became the duty of the Senate to inquire into this business, and understand the subject well.

There were many, no doubt, of these petitioners, who did not mean to assert that slavery should be abolished, that were contending for what they understood to be a great constitutional right. Would it not, then, under this view of the subject, be the best course to allay excitement, and endeavor to calm down and tranquillize the public mind?

Mr. WALL said he did not believe, so far as his State was concerned, that the feeling for abolition was on the increase; but he did believe the subject was mixed up with the right of petition: many of the petitioners believing that right was invaded by the manner in which these memorials were treated. He thought if this matter had been in the onset referred to the Committee on the District of Columbia, and a report made therefrom, (sanctioned by the

Senate,) calmly expressing the feeling of the American people, that there would have been no further trouble.

Mr. CALHOUN said he had foreseen what this subject would come to; he knew its origin, and that it lay deeper than was supposed. It grew out of a spirit of fanaticism, which was daily increasing, and if not met *in limine*, would by-and-by dissolve this Union. It was particularly our duty to keep the matter out of the Senate, out of the halls of the National Legislature. These fanatics were interfering with what they had no right. Grant the reception of these petitions, and you will next be asked to act on them. He was for no conciliatory course, no temporizing; instead of yielding one inch he would rise in opposition, and he hoped every man from the South would stand by him to put down this growing evil. There was but one question that would ever destroy this Union, and that was involved in this principle. Yes: this was potent enough for it, and must be early arrested if the Union was to be preserved.

Mr. SWIFT said he had been intrusted with various memorials of a similar character to this; and he therefore felt called on to say a few words. When these petitions were referred, as was the former practice, to the Committee for the District, there was very little excitement on the subject. There was a great difference of opinion on the subject, some thinking that slavery in the District ought to be abolished by Congress, and others thinking differently; but from the moment that the petitions were refused, to the present time, the excitement had been continually increasing. And the petitioners were not the miserable fanatics which the Senator from South Carolina supposed; they were among the most intelligent and respectable of the community.

Mr. ROANE, of Virginia, said, that warm, ardent, and strong as were all his feelings, and fixed as was his opinion on this subject, he should perhaps not have opened his lips on the present most unexpected occasion, but for the relation he happened to bear towards the Committee for the District of Columbia, to which it is proposed to refer this whole subject. It is one of vast importance, involving the dearest rights and interests of millions of our citizens, and perhaps the Union of these States. A committee raised to take charge of the local concerns of the people of this District is not, I humbly apprehend, the suitable committee for such a subject. That committee was not constituted with reference to questions of such magnitude and extensive bearing; and I do trust that, should this body unfortunately agree to receive and refer these petitions, with a view, as we are informed, to have a calm, deliberate, and full discussion of their merits, they will send them to some other committee—nay, raise a special committee, composed of gentlemen who have the talent and the taste for such discussion; for I take this occasion to say that, neither in committee nor elsewhere, will I ever

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consent to argue and discuss the *merits* of this tender and vital question. No, sir; when my life and my property are assailed, I protect them not by argument and discussion.

Sir, the Senator from Kentucky (Mr. CLAY) has asked whether the multiplication of these petitions in the North, and the spread of feeling which prompts them, is not mainly attributable to a belief, on the part of the people there, that the great right of petition has been invaded by the direction which this body has given to them for the last two years? He has been answered in the affirmative by the Senator from Vermont, (Mr. SWIFT), and it is utterly denied that fanaticism constitutes any part of the spirit which actuates our Northern brethren, in thus eternally stirring a question which they must know is *vital* to us of the *South*. Oh, no—it is not fanaticism, it is not humanity, it is not philanthropy, but it is *patriotism*! it is only to assert and maintain inviolate the great right of petition! I perceive, sir, that one of the petitions presented this morning is signed by, I think, one hundred and eleven women. Allow me to ask when before, on what other occasion, on what other great question, have the females thought it their imperious duty to step forth as the asserters and champions of the great right of petition? Allow me to believe, sir, that such a motive constituted no part of their feelings, never for one moment entered into their brain; no, sir, it is the *false* fire of philanthropy, so easily kindled in their warm and tender hearts, and too easily fanned into flame by fanatical, vile, and designing men.

No man, sir, in this wide-extended empire, more dearly loves, or would more sacredly guard, than I, the great, the inestimable right of petition, as asserted and practised in England, and thence ingrafted into our own *written* constitution; but, like all other good things, it is liable to abuse, and has *its* limits; and I for one am bold to say, that the subject now before the Senate presents a limit to this right. The people have a right peaceably to assemble and petition—for what? To take away my right to enjoy “life, liberty, and the pursuit of happiness?” No, sir: but to redress grievances; grievances to which the law-making power can apply a remedy or corrective. The petitions must not only be sent to a tribunal competent to hear them, but must relate to a subject on which that tribunal can legally and authoritatively act. Sir, the people are occluded; they have occluded themselves; they are occluded by the sacred compromises of the constitution—the charter of all their rights—from bringing this subject before Congress in any manner whatever as one of ordinary legislation. It is in vain to say that this right of petition has no limits. We have been told this morning, that *we* are the servants of the people; yet *we*—this Senate—require that every petition which is offered to it, shall be respectful in its language and decorous in its form. This, sir, is a limit; and one liable to abuse; and why not,

I seek to know, require that they shall also be pertinent in their *matter* and legitimate in their *object*?

Mr. DAVIS took this occasion to repeat an observation made by him two years ago, viz., “if you wish to make abolitionists, then only continue to pursue the course you have hitherto pursued.” No course, in his opinion, could be more surely calculated to increase the excitement already existing than the rejection of these petitions. How the practice of laying these petitions on the table on the objections of any member, had crept into the Senate, he (Mr. D.) could not conceive. To him it, however, was the same thing, whether these petitions were laid on the table, or whether they were merely received, and then rejected: it was in either way tantamount to a total rejection: it was an infraction of the sacred right of petition. He (Mr. D.) did not doubt that this attack on the right of petition had multiplied greatly the number of petitioners.

As to the merits, no doubt Southern gentlemen have come to their conclusions that the petitioners have no right to come here, in a manner satisfactory to themselves; but if this be true, he would ask, would it not be most expedient to meet them *in limine*, at once, and say that they have no right, or else to give their prayer due consideration, and give at least some reasons, if there exist any, against the right which they claim?

Their prayer is reasonable, temperate, and just; it is two-fold: 1st, abolish slavery in this District, or, if not, pass at least laws to regulate in a better manner the slave-trade in this District. They disavow the intention of interfering with slavery in any of the States. Such a principle is deliberately avowed in the resolutions of most, if not all, the Abolition Societies in the North. They have no purpose of interfering with the rights of the South. The documents they have published to the world would prove this. If their proceedings agitate the minds of Southern gentlemen, that is their own fault; it is because they choose rather to interfere with the Abolition Societies, and not that the Abolition Societies interfere with them.

No case can be supposed to justify the rejection of the right of petitioning. If men petition for only two Senators, as the Senator from Virginia (Mr. RIVES) has supposed a case, why, let them do so. The right is not to be put down on supposed cases of abusing it. The member from South Carolina (Mr. CALHOUN) says, will you deliberate where your mind is made up? He (Mr. DAVIS) would immediately answer “yes!” It is due to the country to meet this subject with deliberation, and to send forth the reasons of our rejection of the prayer of two-thirds of the population.

Mr. KING said that some sessions past, he had advocated the reception of petitions of this description: he considered them as coming from a miserable set of fanatics and deluded females, who were too contemptible to excite

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apprehension. He was unwilling to give them weight, by adding to their number those who might honestly believe the right of petition had been denied. For many years petitions of this character were received without comment, referred to a committee, and no further notice taken of them. They slumbered until the close of the session, and the committee was then discharged from the further consideration of them. Mr. K. regretted most sincerely that this unfortunate question, so intimately connected with the permanency of this Union, was pressed by gentlemen upon the consideration of the Senate. They urge their reception: for what purpose? For none other under Heaven, that he could perceive, than to produce excitement; to irritate and inflame the public mind. So long as it was confined to deluded females and fanatics, it was of little import; but now it has entered into the politics of the country. Unprincipled aspirants have seized on it, and it has from that cause alone, become alarming. He feared not the great mass of the people, even in New England: they were sound to the core. Not so with the politicians: they were sinning against light and knowledge. They deserved, and should receive, the stern rebuke of this body. He would not receive or give any countenance to these incendiary petitions.

Mr. DAVIS said he gave way to no one in a desire of maintaining harmony; and his remarks were not made, as imputed to him, in the view of creating discord. He wished the member from Alabama (Mr. KING) was better informed of the great respectability of the petitioners; if he (Mr. K.) could but know the real state of things in the North, he would not speak so contemptuously of the petitioners. As to politicians, Mr. D. maintained that until the question came on *here*, no politics were mixed up with the subject in any way whatever. It was a question of conscience, of morals, of propriety; men of all parties concurred in these petitions.

Mr. HUBBARD was not aware that any petition for the abolition of slavery in the District of Columbia had ever originated in that part of New Hampshire where he resided. He was certain that since he had been a member of the Senate, he had not been called upon to present to the Senate any such memorial. And since he had been a member of Congress, very few petitions in relation to this subject had been forwarded to him from any section of the State he had the honor in part to represent. If such memorials had come hither from New Hampshire, they must have been committed to the care of others. He was assured that the prevailing sentiment with the people of his own State was, *to let this whole matter alone; that it was a subject with which they had no concern; that it was their bounden duty, as good and peaceable citizens, not to interfere with the rights of others;* that they regarded the question of slavery as a sectional, *a local question;* and however much they might regret its existence

in any portion of this Union, yet they well knew that its existence was sanctioned by the constitution of the land; and with the continuation of its existence in those parts of the Confederacy, they ought not, and they could not, with propriety, make any interference, unsolicited and unasked by those whose interests were affected by it. These were the sentiments of his own State; they certainly were, to a great extent, the opinions of the people of New Hampshire.

Mr. NILES said he did not approve of crooked courses. The gentleman from New Hampshire (Mr. HUBBARD) says that the petition is before us if we lay it on the table, and that so far, it is received; and yet he says that, by laying it on the table, the petition is rejected. He (Mr. N.) could not reconcile this contradiction.

Mr. RIVES replied to the argument, that receiving the petition, and having a report made, would quiet the excitement. Not so: this had been already done two years ago. Then, in the other House, a select committee, composed chiefly of Northern men, had presented an elaborate report, and this had been so far from allaying the excitement, that now gentlemen come forward and tell us that the excitement is increased; therefore, it would be perfectly nugatory to go round the same circle again. To him (Mr. R.) it appeared that the most pacificatory course to be pursued was to act as hitherto, and to lay the motion to receive upon the table.

Mr. PRESTON said, once, perhaps, there was a time when these petitions might have been received; now, it was no longer safe to receive them. It is stated that the excitement has increased. Though the doors of Congress had been thrown open, and they had been heard, yet the fire is spread wider, and is spreading wider and wider. Why so? It is said because the right of petitioning is violated; were it not for this, we are told that the excitement would have died away. But this assertion is in face of the fact that the right of petition was given and secured to the petitioners. We, the South, said at the time that the concession would lead to more concessions, and so it has proved; the fire is not put out, but is kindled worse and worse. We went as far as we could go, for the sake of peace; we gave an amnesty, we received their petitions, and they are not satisfied. Now we say "*nulla vestigia retrorsum*," we must now go a step further, instead of going backward, and do now, as ought to have been done then, namely, shut altogether the doors of Congress against them. Has the South no sensibilities and prejudices to be considered? Has the North only prejudices, and feelings, and conscience, to be taken into consideration, and have we none? If you consider their views, will you not rouse us? Will you not interfere with them, for fear of irritating them; and shall no such regard be paid to us?

But the period for argument with these peo-

ple is past. They demand you to adopt their principles and policy. The discussion of these matters was not agreeable to him, (Mr. P.) He thought that if Congress does not protect the South, it will be obliged to protect itself. What the South wants is peace; let not this question be let in to light up the torch of discord. Mr. P. said he should not resort to discussion, but to measures, to acts, for the protection of the South. The South must be protected, and he was disposed to do it quietly if possible; but, if not, he would say, with great emphasis, "we will protect ourselves."

Mr. CUTBERT would not now speak of his regard to the Union; the attachment of gentlemen to the Union had been fully illustrated. But what were they now told? That a certain mode of maintaining the rights of the South would overturn those rights; that a mere error, in point of order, was to destroy the rights of the South. Was this language to be held, that Southern rights rested on so frail a basis that the slightest error would overturn them? For the Union Mr. C. was not so much alarmed as others; there was a disease in the body politic, which would have its course; but the virus would work out in time. This disease had been imported from Europe, and especially from England. Mr. C. said he was astonished at the remarks of a gentleman of so sound sense and extensive information as the Senator from Massachusetts, (Mr. DAVIS.)

Mr. PIERCE concurred with the Senator from South Carolina, (Mr. PRESTON,) in the opinion that no valuable end was to be attained by discussion here upon this deeply agitating subject. He rose merely to express the hope that the motion to lay the question of reception on the table might not be renewed. He was in favor of the reception, and that question he desired to meet distinctly, and unembarrassed by any other motion.

Mr. CLAY said he would concur with the Senator from Georgia, if the Senate, by persisting in their past course, could produce the same calmness in the country which it had done among themselves. But it was much more important that the country should be quiet than the Senate. Mr. C. had asked whether the excitement had been increased, and by what causes; with the view to ascertain if any thing could be done by the Senate to allay the excitement, and render the people quiet and happy. The reply was, that the excitement was extending, and chiefly by the impression that the great republican right of petition had been assailed, which the petitioners chose to assert, by acting with those with whom they really had no sympathy. Mr. C. preferred that the two classes of petitioners should be separated, to deprive the abolitionists of the advantage of mixing their peculiar objects with other matters.

The petitions, Mr. C. said, were first to be received; but was this all? Was not this understood to imply deliberation on the question? The cold, simple act of reception, followed by

an instant rejection, amounted to not receiving, and must give color to the charge that it is a substantial denial of the right of petition. It had been said that this was not a case for argument. Not a case for argument! What was it that lay at the very bottom of all our free institutions? Argument, inquiry, reasoning, consideration, deliberation. We were a reasoning people, and it was our greatest boast that we possessed reasoning powers capable of comprehending the various subjects relating to a free Government. Mr. C. thought the best course was to receive these petitions, and refer them to the Committee for the District, to act on them as they pleased; and if the country should not then be quiet, let them make a report, embodying with the argument the various facts relating to the subject, several of which Mr. C. enumerated.

Mr. GRUNDY expressed his regret at the views of the Senator from Kentucky. For two years past the Senate had pursued the course of laying the questions relating to these petitions on the table. During that time there had been little or no discussion in that body; and it was the discussion in Congress that was doing more mischief on the subject than any thing else. If the coming in of the petitions was to be prevented, how could it be done? By preserving silence upon them. Every time the petitioners observed discussion in Congress, they were encouraged to proceed; but if the Senate persisted in the course to which they had sometimes adhered, their hopes would be cut off. But if this course were now abandoned, they would say that the Senate had been driven to change their ground, and they would consider it as a gain on their part. And could an abler report be made on the subject by any committee than that by the Select Committee of which Mr. PINCKNEY was chairman? And had that produced any effect? Gentlemen said no: the excitement was increasing. And could the Senate produce any effect by a report? No: it would give the petitioners hope that they would finally prevail. Mr. G. would vote to receive the petitions, because he questioned whether a contrary vote might not abridge the right of petition. But he hoped that for the sake of teaching these people that this subject must not be interfered with, they would be laid on the table.

Mr. CALHOUN said he believed that the course proposed by Mr. CLAY was calculated the most of all to produce an excitement. If a single step was yielded, the fanatical spirit would be reanimated with new excitement; and those, therefore, who so yielded, incurred a fearful responsibility. Mr. C. despaired, as far as the Northern part of the country was concerned on the question of abolition. It was interwoven with the political condition of the North, in the nature and state of parties; and it would run, and must run, into their struggles for State ascendancy. It was impossible to prevent its having a control over the political parties of

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the North. The great mass of Northern people believed that this Southern institution was radically wrong. The result would be this: that abolition efforts would begin with the lowest grades of society, and by gross misrepresentations, but it would go upward and spread; and Mr. C. told a distinguished Senator four years ago, while discussing another subject, that the spirit of abolition would spring up in the North, and however much he, and others like him, were opposed to the doctrine, it would one day spread so as to drive him from public life, or compel him to yield to its dictates.

The Senator from Kentucky had insisted that receiving petitions implied considering, discussing, deciding upon them. But in what situation would all this put the Southern States? It would convert the halls of Congress into places for the discussion of abolition. Mr. C. did not ask how the North would be affected; his object was to keep the South united on this subject, with a susceptibility always alive. They must first preserve themselves, for this was a question involving the very existence of the whole South. Their next object was to preserve the Union; and there was no other course for them to do this, but by a united and firm resistance to these encroachments; and the earlier the better, for the country was sounder to-day than it would be to-morrow, and delay would leave it to proceed from worse to worse.

Mr. C. expressed these sentiments on no sectional ground; he would prevent, by what he had suggested, the destruction of the Union. The measure proposed by Mr. CLAY, he thought, would fail of its object, and he considered the reverse mode the best.

Mr. CLAY said he looked to the whole Union. But he had no such dependencies as the Senator from South Carolina, as to the effects of the slave, or any other conceivable question, on the Union. He had no fears for the Union; but he had a desire to tranquillize every part, and give no just cause of complaint to any portion. The question was not the same as to slavery in the District and slavery in the States. But what question was that in human affairs, so weak or so strong, that it could not be approached by argument and reason? This country would, in every emergency, appeal to its enlightened judgment, and its spirit of union and harmony, and the appeal would not be unsuccessful. Mr. C. remembered that, when the public mind was sick with discussions on the late war, he had said to an illustrious man, now no more, "We must stop this everlasting discussion, this endless diplomacy; let us go to work, and appeal to the valor of our countrymen to sustain us; no other alternative is left us." But he replied, in his calm and dignified way—"Mr. CLAY, recollect our institutions rest on public opinion, on reasoning and argument."

Mr. C. had no fears for the Union; and if the Senator from South Carolina would propose

a joint resolution of the two Houses, that the man who expressed a doubt in regard to its stability should be immediately called to order and stopped, it would obtain his (Mr. CLAY's) hearty concurrence. The Union would last, he hoped, forever. Mr. C.'s object was merely to preserve the Union in its true spirit; and separate fanaticism from those who were capable of listening to reason. Let us show our reasons, and then, if we fail, we shall at least have acquitted ourselves of our duty. The best course was that pursued by the Government down to two years ago, in which these petitions were often sent to the District Committee, and there allowed to sleep; or as was sometimes done, followed by reports.

Mr. CALHOUN said there were cases in which reasoning and argument were both absurd and cowardly. If a man should call him a rogue, should he stop to argue the point? There were things which were to be met, not with reasoning, but with instant indignation. Suppose a petition were sent here to burn the manufactories of the North, would the Senator stop to reason about such a petition? Or that the property of the rich should be given to the poor; would he reason about that?

The petitions proposed abolition in the District of Columbia; but on what ground? That Congress were bound to receive petitions in all cases, to discuss and decide upon them. But if they were bound to do so in regard to the District, Mr. C. would ask the Senator if the same rule would not hold in reference to the States. Were they bound to receive petitions for abolition in the States? [Mr. C. waited for a reply.] If not, he resumed, then the right did not exist at all. The universal sentiment with the abolitionists was, that abolition in the District was the first step to abolition in the States. Every abolitionist would say so. The first step would be in the District; the next would be to destroy the trade between the States, making the slaves serfs to the soil; and then an attempt would be made to abolish slavery in the States. What, then, would be the situation of the South? Congress would then discuss their right to property guaranteed to them by the constitution, and the Southern man who would permit it thus to be drawn into discussion, sacrificed the rights of the South. Mr. C. was in favor of the Union as much as others; but unlike the Senator from Kentucky, he was not in favor of silence, when he saw danger approaching.

Mr. CLAY. The Senator had put extreme cases. He might just as well have supposed the abolition of the Christian religion, as the abolition of slavery out of the District. But did he not see that his argument went against receiving all petitions, as much as Mr. CLAY's was in favor of receiving all without distinction? The power of Congress to abolish slavery in the District was believed to exist, and Congress had determined, by their action, that it was right to receive petitions on the subject.

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Was that to be confounded with a case where Congress had certainly no power?

MR. CUTHBERT replied to the argument of Mr. CLAY, that it would be the simplest method to allay this excitement, by receiving the petitions and giving them consideration, and maintained that that argument was to be deprecated, for it would cause debate, and raise up a fury of discussion. Argument (said Mr. C.) teaches what it ought to put an end to; it fomented what it is intended to allay. He solemnly appealed to the Senator from Kentucky to maintain his character of peacemaker. In former situations he (Mr. CLAY) had been obliged to relent the severity of his principles, and to compromise with the South. Having first been a grand disturber in his manufacturing zeal, he had been forced to become a grand pacificator; he begged him (Mr. CLAY) not to depart now from the principle of pacification.

MR. WALL proceeded to vindicate the character of the petitioners. They were not fanatics; they were reasonable, sensible, and temperate men; and though he (Mr. W.) did not agree with them, and though he was ready to say that the prayer of the petition ought to be rejected, yet he was not prepared, as the gentleman from South Carolina, (Mr. CALHOUN,) to say that his constituents should come to the door, and that then it should be shut in their faces. The right of petition would interfere with no other rights. The South was not rendered insecure in its rights, by granting to the North the enjoyment of its common and natural rights. Mr. W. insisted that resort should be had to reason and to argument, instead of putting down the right of petition by violence and contempt. If the South seeks to stop the mouths of the North, and prevent petitions from being heard, by so doing they raise a force and arouse an energy which cannot be put down.

MR. BUCHANAN said he did not rise for the purpose of entering upon a general discussion of this question. He thought it had already been amply discussed on former occasions.

During the session of 1835-6, he had presented a petition from a portion of the Society of Friends, requesting Congress to abolish slavery in the District of Columbia. And here, in justice to that respectable society, he must observe, that so far as he was acquainted with them in his own neighborhood, although they were decidedly opposed to slavery in the abstract, they were not abolitionists as that term was now generally understood. The Senator from South Carolina (Mr. CALHOUN) had then objected to the reception of this petition. Upon the question, "Shall the petition be received?" the constitutional right of petition was distinctly raised. After a long, powerful, and interesting debate, in which he (Mr. B.) had exerted his best efforts to sustain this right, the petition was received by the Senate, by a vote of 36 to 10.

After this petition had thus been received by

the Senate, he (Mr. B.) had made a motion to reject the prayer of the petition. This opened a discussion upon the question, "Shall slavery be abolished in the District of Columbia or not?" After a long debate, it was decided in the negative: only six Senators voting against his motion.

After these solemn proceedings had taken place, were the Senate bound, whenever a new petition of a similar character was presented, again and again, on each succeeding day, to discuss and decide the right of petition?

This course would have exasperated the feelings of the people, interfered with the transaction of the business of the country, and must have resulted as it had resulted before. In this situation, the course was adopted, in the session of 1836-7, of moving to lay the question of the reception of these petitions upon the table. This was the only mode of avoiding everlasting debate.

The motion to lay upon the table decides nothing but that the subject shall lie upon the table for that day, subject to be again called up for consideration at any future day.

Upon reflection, (Mr. B. said,) he never had been better satisfied with the course which he had pursued on any question than that now before the Senate. He should now purposely avoid saying any thing more upon the subject. Let us enter at this moment upon a discussion of this question, and the debate will continue for weeks, and will light up a flame over the whole country. We have already solemnly discussed and decided the question. Let us now adhere to that decision firmly. He should not have risen to say a word, had it not been asserted that to vote to lay the motion of reception upon the table was inconsistent with the right of petition, a right which he had always asserted and should ever maintain.

MR. HUBBARD renewed the motion to lay the motion to receive the petitions on the table—

YEAS.—Messrs. Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Norvell, Preston, Rives, Roan, Robinson, Sevier, Strange, Walker, White, and Young—25.

NAYS.—Messrs. Allen, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Morris, Niles, Pierce, Prentiss, Robbins, Ruggles, Smith of Connecticut, Smith of Indiana, Swift, Tallmadge, Tipton, Wall, and Williams—20.

TUESDAY, December 19.

Vermont Anti-Slavery, and Anti-Texas Annexation Resolutions.

MR. SWIFT presented a memorial and resolutions from the Legislature of Vermont, in relation to Texas and slavery in the District of Columbia.

MR. KING said he considered it an infamous libel and insult on the South, let it come from what quarter it would; it was a false statement

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in relation to the people of the South, when it charged them with disregard for the laws, and he expressed his surprise that gentlemen should present such papers which they could not but feel were untrue.

Mr. SWIFT hoped he should never prove so recreant to the interest of his constituents, as to refuse the performance of his duty, especially to present resolutions coming from the Legislature of his State. The document was the result of no party effort, it was the united voice of the whole State of Vermont.

Mr. CALHOUN deemed the present moment one of the deepest importance. A great step had been taken in the progress of events. The circumstance of the morning had come upon him wholly unexpected. He had never heard that the resolutions in question had been passed by the Vermont Legislature; yet he might have anticipated as much. He had long foreseen the present state of things; and now the time had actually come when it was to be determined whether we are longer to remain as one united and happy people, or whether this blessed Union was to be dissolved by the hand of violence. Vermont has struck a deep and dangerous blow into the vitals of our confederacy. It was a time for action, and he could not, would not, entertain the idea of rejecting or losing sight of the document before the Senate, but as he was unprepared at present to act on the subject, he would move that the memorial be laid upon the table, pledging himself not to oppose the Senator from Vermont, should he see fit to call it up hereafter; and more, would call it up himself when he had time to prepare his mind for action on the subject: determined the subject should not rest until it had received the final action of the Senate. It was his belief that the North were sound in the matter at issue, but some seemed even to prefer the prevalence of this dangerous doctrine to the preservation and continuance of the Union. His mind was unalterably fixed, and nothing should prevent him from putting his views into execution.

Mr. MORRIS thought some respect was due to the source whence these resolutions had emanated—the Legislature of Vermont—and hoped they would at least be laid on the table, and be printed.

Mr. ALLEN said, this motion has the effect of *refusing* to receive the petition; and it is for this reason only that I will now, as I did in a like case yesterday, vote against it. But it is said that such is not the effect. I will state the proposition in a form which will itself test this question. One Senator presents a petition; another Senator makes a motion that the petition be *not received*; a third Senator moves to lay *that* motion upon the table. This latter motion, if successful, puts an end to the business. Now, I ask, where is the petition? Is it in the Senate? Certainly not: because the very form of the motion that the petition be not received, is a declaration that it *has not*

been received, and the very object of that motion is to *prevent* it from *being* received. If the petition *had* already *been received*, then the motion not to receive would be absurd, and the other motion to lay that motion on the table would effect nothing, because the sole object of this latter motion is to exclude the petition. If this be not its object, what is it? That such are the object and effect of this latter motion is evident from the fact, that if it be agreed to, the petition is then *not* in the Senate, and this is equally evident from the fact that the Senate cannot proceed to take any further order on the petition. It is, therefore, clear that the effect of the motion now before us is to refuse to *receive* the petition; and, as I am not prepared to deny the right of petition, I shall, for that reason, vote against the motion.

I, therefore, shall vote against this motion, as I did that on yesterday, because I acknowledge the right of petition, and the correlative obligation on the Senate to receive it. And then, sir, as I *do not* acquiesce in the *prayer* of the petitioner, nor admit his right to control the action of the Senate on his petition after it has been received, I will vote for a motion to lay the petition on the table.

Mr. CLAY, of Kentucky, hoped that the memorial would be withdrawn by the Senator from Vermont, and to give notice that he would introduce it at a future day, when the Senate was more prepared to act.

Mr. SWIFT withdrew his memorial, and gave notice that he would introduce it again.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 20.

Abolition of Slavery, and the Slave-trade in the District of Columbia.

The first business was the motion made by Mr. SLADE, on Monday, to refer two memorials, presented by him for the abolition of slavery and the slave-trade in the District of Columbia to a Select Committee.

Mr. SLADE commenced by remarking that the business of the country was transacted here, by a reference of all subjects to their appropriate committees, and that matters of the most trivial nature met with no opposition to such reference. But no sooner did any member present a memorial relating in the slightest degree to a certain subject, the abolition of slavery, than it was directly attacked and placed under prohibition. Were he to present a petition from a constituent involving the sum of twenty dollars, that would not be denied a reference, inasmuch as it might involve an important principle; but here were a large class of petitions, signed by hundreds of thousands, asking the action of Congress on a subject of the greatest interest, and yet they were disposed of with no ceremony at all. He then alluded to the course pursued by certain members in opposition to such petitions, and expressed his belief that all the movements in relation to

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the subject had been preconcerted with the regularity of clockwork.

Mr. WISE explained that, as he had hitherto taken upon himself to oppose the reference of such petitions, he would say, once for all, that as far as his knowledge was concerned, there had been no preconcert in relation to the opposition of this subject, neither had he received any intimation from the Speaker, or any one else, as to the mode of proceeding.

Mr. DAWSON wished to ask the gentleman from Vermont if he intended to include him in the charge of preconcerting measures in opposition to the subject.

Mr. SLADE disclaimed any intention of imputing dishonorable motives to the gentlemen who had thought it their duty to adopt such a course. He moved to refer the memorials to a Select Committee, with instructions to report a bill providing for the abolition of slavery and the slave-trade in the District of Columbia.

Mr. LEGARE hoped the gentleman from Vermont would allow him to make a few remarks before he proceeded further. He solemnly entreated him to reflect on the possible results of such a course, which involved the interests of a nation, and a continent. He would warn him, not in the language of defiance, which all brave and wise men despised, but he would warn him in the language of a solemn sense of duty, that if there was "a spirit aroused in the North in relation to this subject," that spirit would encounter another spirit in the South full as stubborn.

Mr. SLADE again entered into an argument touching the subject of slavery in the State of Virginia, and was about to read a paper on the same subject, whereupon

Mr. WISE interposed, and said that the gentleman had been discussing slavery in the South, slavery in the State of Virginia, slavery in his district; and he now asked his colleagues to retire with him from that hall.

Mr. HOLSEY made the same request to his colleagues from Georgia, and expressed a hope that the whole Southern delegation would retire.

Mr. GRANTLAND joined in the wish.

Mr. RHETT. The whole of the delegation of South Carolina has already signed an agreement.

Mr. ROBERTSON. One remark, Mr. Speaker.

Mr. SLADE. I claim the floor.

The CHAIR. Does the gentleman from Virginia rise to a question of order?

Mr. ROBERTSON. No, sir. I wish to make one observation.

Mr. RHETT. I rise to a point of order.

Mr. ROBERTSON. I wish simply to propose to the Southern delegation—

Mr. RHETT. I rise to a point of order. The question of order is, whether the member from Vermont has a right to go into the consideration of slavery in the State of Virginia? I say he has not; and if it is insisted upon, I request the whole Southern delegation to go into the

room of the Committee for the District of Columbia.

The CHAIR reminded the House that he had repeatedly interposed when the gentleman from Vermont had been going into the question of slavery in the States. He was not permitted to give his own opinions, but they might readily be inferred by the House. He felt it his duty to state, that if it were possibly in his power to allay excitement, and to prevent discussions of this sort, he would do it.

Mr. TURNERY rose to a question of order.

Mr. SLADE. I ask leave to read a paper, and to state what that paper is.

Mr. GRANTLAND. I object to the reading.

The CHAIR. The gentleman will take his seat.

Mr. JOHNSON, of Maryland. Will it be in order, Mr. Speaker, to take the sense of the House whether the member from Vermont shall be permitted to proceed?

The CHAIR replied negatively.

Mr. McKAY. Mr. Speaker, has not the member from Vermont been declared out of order?

The CHAIR. He has.

Mr. McKAY. Then has he a right to proceed?

The CHAIR. No gentleman has raised that question.

Mr. McKAY. Then, sir, I make that question. I object to his proceeding. I object to his resuming his remarks, and I hope the House will not permit him.

The CHAIR then, under the rule, directed Mr. SLADE to take his seat, and pronounced the gentleman out of order for discussing the question of slavery in the State of Virginia. Referring to the 22d rule, the CHAIR added, that the gentleman could no longer proceed without the leave of the House; and he was about to propound the question, when

Mr. SLADE said he wished to state the position in which he stood. I propose, said he, to read a single paper—

Mr. TURNERY. I object to the gentleman's proceeding at all.

The CHAIR said the rule was imperative. The gentleman could not proceed, under the question made by Mr. McKAY, without leave of the House.

Mr. SLADE. The question now is, whether it is in order for me to ask for the reading of a paper.

The CHAIR. The other question is also before the House, and must be decided by its vote, without debate.

Mr. SLADE. I ask if I am out of order while proceeding with the leave of the House, going on for at least twenty minutes, and then merely asking leave to read a paper.

The CHAIR states that his power to commence was when the question of order was made. Thereafter, the rule was imperative, directing its decision without debate.

Mr. SLADE, (who was still on his feet,) Mr. Speaker—

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THE CHAIR. The gentleman will take his seat.

MR. SLADE then pledged himself, if the House would permit him to resume, not to discuss the question of slavery in the States.

THE CHAIR then propounded the question to the House that the gentleman from Vermont have leave to proceed.

MR. ALLEN asked for the yeas and nays; which were ordered.

MR. RENOHER moved that the House adjourn.

MR. SLADE asked for the yeas and nays; which were ordered, and were—yeas 166, nays 63.

MR. CAMPBELL then gave notice that the Southern delegations were then assembled in the room of the Committee for the District of Columbia; and he said he was instructed by their committee to request the attendance of all gentlemen representing slave-holding interests on that floor immediately.*

IN SENATE.

THURSDAY, December 21.

Small Notes and Shin-plaster Currency in the District of Columbia.

The bill to restrain the issuing of small notes in the District of Columbia, was taken up.

MR. WRIGHT suggested that thirty days would be an appropriate period to fill the blank.

MR. CLAY said that no one more ardently desired the resumption of specie payments than himself; but he doubted the expediency of forcing the banks of this District to resume at a period of uncertainty as to when those of the surrounding country should adopt such a measure. He had that morning received news from New York of the resumption of another of their banks, and that, taken in connection with information derived of late from various quarters, inspired him with much stronger hopes than he had formerly entertained, that the banks would, at an early day, return to specie payments throughout the country. With regard to the banks of this District, it was futile to suppose that they could attempt to pay specie, when those with whom they were so intimately connected did not do so. He thought the wisest, as well as the most prudent step, would be to postpone the matter to an early period in January—say first or second week—when there might be a similar movement on the part of the Baltimore and Richmond Banks. Congress could then with more certainty fix the time when these banks must resume, or have

their charters revoked. He thought it wrong for Congress to legislate too hastily for a people under its immediate charge, without reference to the position in which they stood to their neighboring population. As the holidays were approaching, (a period when Congress was not presumed to be subject to any very grave legislation,) he thought the banks might be longer indulged, and he hoped, therefore, there would be little or no opposition to his suggestion.

MR. WRIGHT. The District banks were never authorized by their charters to issue notes of a less denomination than five dollars. Now, however, it had become their habit, in common with individuals, to issue notes from twenty-five to six and a fourth cents. "*Shin-plasters*" (a distinguishing term, and one he disliked as much as any one else) had been necessarily used for change, because the people had in a measure been *forced* to do so, by the suspension of these banks; but this small money business he believed was carried to a greater extent in this District than in any other portion of our country. The honorable Senator from Kentucky, in his remarks, threw out the idea, that the banks of this District were dependent on their relative position with those in Maryland and Virginia for resumption! Suppose the case was reversed, and the Legislatures of those States depended on the action of Congress to force the banks of this District to resume, under forfeiture of their charters: at what future period should we look for so desirable a result?

MR. CLAY said he could see no good reason why Congress should not extend a corresponding courtesy to the District banks, with that of the Legislatures of the several States to their moneyed institutions.

With regard to these small bills, if immediately suppressed, what was to be done? There was no silver to supply the vacuum; and members of Congress had found this small money very convenient on many occasions. Hackmen, waiters, and others could not be dispensed with; and without this kind of change, how could their services be required? Another objectionable feature in the bill was, that it imposed a penalty alike on the stranger and citizen, for the passage of these bills, whether issued here, or brought from abroad. He had in his purse notes from one dollar down to six cents, originating in the different places through which he had passed from Newport, Kentucky, to Washington city, in the District of Columbia; in fact, business could not progress without them. And would it not be a legal imposition on a stranger to pass this bill with such provisions? Could it be expected that a stranger passing through this small space of ten miles square, could stop to inquire into our laws?

MR. BENTON objected to the postponement. The argument was to postpone both bills—the shin-plaster bill, and the bank bill,—and that not to a certain day, but indefinitely, and until adjoining States should first act upon the same subjects. This was the argument of the Sena-

* The above report gives only a meagre skeleton account of the most disturbing movement on the subject of slavery ever made in our Congress, and which occupied the whole day, and led to the memorable secession from the hall of the Southern members, to deliberate among themselves what line of conduct it behooved them to take in such a conjuncture. A more full and intelligible account of it is given in the "Thirty Years' View," Vol. II., Chap. 86.

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tor from Kentucky, (Mr. CLAY.) His motion was for a postponement until the second Monday in January, but the argument was for indefinite postponement, and for contingent action; and it was evident, from the two speeches just made by that Senator, (Mr. CLAY,) that if the postponement was granted, that another would be demanded when it was out; for the whole tenor of his two speeches was, that the shin-plasters were not to be suppressed, nor the bank in this District required to resume, until the adjacent States had first led the way in the same work. This was indefinite postponement, and contingent action. It was the attempt to do here precisely what had been effected by the party opposed to resumption in the bank convention in New York; it was non-action! it was to do nothing! and get rid of the subject without fixing a day!

Mr. B. denied that there was any validity in any of the reasons given by the Senator from Kentucky for delaying either of the bills. There was no necessity for these filthy shin-plasters. The Senators alone received for their compensation more hard money than the District required for change. They had received all their pay in gold and silver at the called session, and they were now receiving their pay in hard money and Treasury notes, in the proportion of two-thirds hard money and one-third Treasury notes. This is the manner in which the Senate is paid, its officers and all, and all its expenses. He presumed the House of Representatives was paid in the same way; and as the expenses of the two Houses exceeded three thousand dollars a day, it would follow that upwards of two thousand a day in specie was receivable by the members and officers of Congress. This was the daily supply; so that, leaving all other sources of supply out of the question, Congress alone disbursed vastly more hard money in the District than its business could absorb, and it was accordingly purchased up for exportation by agents whose advertisements could be seen in every newspaper.

Mr. TITTON said that he would vote to postpone the consideration of the bill, to afford time for us to hear from the Legislatures of the States now in session. He was opposed to the issue and circulation of the small bills or notes, familiarly called "*shin-plasters*," and would go for freeing the people of the District of Columbia from that species of trash. He also felt it to be his duty, so far as his vote would go, to compel the banks of the District to resume specie payments at the time we exclude shin-plasters from circulation here; but he would not now give a vote to coerce the banks of this District to pay specie at an earlier day than that at which the banks of the different States should resume specie payments.

Mr. WRIGHT said he felt bound to call for the yeas and nays on the motion to postpone; when the vote stood:

YEAS.—Messrs. Black, Clay of Kentucky, Clayton, Cuthbert, Knight, McKean, Prentiss, Preston, Rob-

bins, Ruggles, Smith of Indiana, Swift, Tallmadge, and Tipton—14.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Crittenden, Fulton, Grundy, Hubbard, Lumpkin, Linn, Lyon, Morris, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Conn., Strange, Walker, Wall, White, Williams, Wright, and Young—27.

The bill underwent a long discussion on its details, in which Messrs. WRIGHT, BENTON, HUBBARD, and GRUNDY participated.

On motion of Mr. HUBBARD, the blank in the third line was filled with the 10th of April, so as to make it penal to issue notes of a less denomination than five dollars, after that date.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 21.

Mr. Patton's Resolution—Abolition Petitions to lie on the Table.

Mr. PATTON asked leave to submit the following resolution:

Resolved, That all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves, in any State, District, or Territory of the United States, be laid on the table without being debated, printed, read, or referred, and that no further action whatever shall be had thereon.

Mr. ADAMS objected.

Mr. PATTON moved a suspension of the rule.

Mr. CUSHMAN asked for the yeas and nays, which were ordered, and were—yeas 136, nays 60.

Mr. PATTON said he had offered this resolution in the spirit of peace and harmony. It involves, (said Mr. P.,) so far as I am concerned, and so far as concerns some portion of the representatives of the slave-holding States, a concession; a concession which we make for the sake of peace, harmony, and union. We offer it in the hope that it may allay, not exasperate excitement; we desire to extinguish, not to kindle a flame in the country. In that spirit, sir, without saying one word in the way of discussion; without giving utterance to any of those emotions which swell in my bosom at the recollection of what took place here yesterday, I shall do what I have never yet done since I have been a member of this House, and which I have very rarely sustained when done by others: I move the previous question.

Mr. ADAMS said: Mr. Speaker, the gentleman precedes his resolution—(Loud cries of "Order! order!" from all parts of the hall.) Mr. A. He preceded it with remarks—"Order! order!"

The CHAIR reminded the gentleman that it was out of order to address the House after the demand for the previous question.

Mr. ADAMS. I ask the House—(continued cries of "Order!" which completely drowned the honorable member's voice.)

Mr. ADAMS then demanded tellers on the second to the previous question, which were

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ordered; and Mr. CLAIBORNE of Mississippi, and Mr. BRIGGS of Massachusetts, having been appointed, the motion prevailed, 124 voting for it.

On the question, "Shall the main question be now put?" being propounded, there were—yeas 129, nays 62.

So the main question was ordered to be put.

The main question being on agreeing to the resolution, was then put, and decided by:

YEAS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bruyn, Buchanan, John Calhoun, Cambreleng, Wm. B. Campbell, John Campbell, Timothy J. Carter, Wm. B. Carter, Casey, Chapman, Cheatham, Cilley, Claiborne, Cleveland, Clowney, Coles, Craig, Crockett, Cushman, Deberry, DeGraff, Dennis, Dromgoole, Edwards, Farrington, Fairfield, Fry, Jas. Garland, James Graham, Grantland, Graves, Hammond, Harlan, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Jabez Jackson, Joseph Johnson, Wm. C. Johnson, John W. Jones, Kemble, Klingensmith, Lawler, Legare, Logan, Loomis, Lyon, Mallory, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Mercer, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Murray, Noble, Palmer, Parker, Patton, Paynter, Pennybacker, Petrikin, Phelps, Pope, Pratt, Prentiss, Reily, Rencher, Robertson, Augustine H. Shepperd, Charles Shepard, Shields, Snyder, Southgate, Spencer, Stanly, Stewart, Stone, Taliaferro, Taylor, Thompson, Titus, Turney, Underwood, Vail, Wagener, Weeks, John White, Thomas T. Whittlesley, Lewis Williams, Sherrod Williams, Jared W. Williams, Joseph L. Williams, C. H. Williams, and Yell—122.

NAYS.—Messrs. Alexander, Heman Allen, John W. Allen, Biddle, Bond, Borden, Briggs, Bronson, William B. Calhoun, Chaney, Coffin, Corwin, Cranstons, Curtis, Cushing, Darlington, Davies, Duncan, Dunn, Evans, Everett, Ewing, R. Fletcher, J. Fletcher, Fillmore, Foster, Goode, William Graham, Grennell, Haley, Hall, Hamer, Hastings, Henry, Herod, Hoffman, Ingham, Kilgore, Leadbetter, Lincoln, Marvin, Samson Mason, Maxwell, McKennan, Milligan, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Peck, Phillips, Potts, Potter, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Shepler, Sibley, Slade, Smith, Stratton, Tillinghast, Toland, Toucey, Webster, Albert S. White, Elisha Whittlesley, and Yorke—74.

[When the name of Mr. ADAMS was called, that gentleman rose, and said: "I hold the resolution to be in violation of the Constitution of the United States." (Loud cries of "Order! order!" from every part of the hall.)

The SPEAKER said, the gentleman from Massachusetts violates order, and must resume his seat.

Pending the question being propounded,

Mr. DUNCAN inquired of the Chair if he could assign the reasons for the vote he should give.

The CHAIR replied in the negative.

Mr. WISE (who had not voted) inquired of the Chair the rule in relation to a member being excused from voting, and at what stage the reasons for making such a request must be made.

The CHAIR said before a division of the

House, or before the commencement of the call of the yeas and nays.

Mr. WISE said, as he could not assign his reasons at length, he desired, at least, that his constituents might know that he was present. He could not vote for the resolution, because it implied or admitted a principle he denied—the right to receive those petitions.

After the vote was taken, Mr. ADAMS rose, and moved that his reasons for not voting on the resolution be entered on the journal.

The CHAIR said it was out of order.

Mr. ADAMS then notified his request to the Clerk to make an entry of his motion, and that it was pronounced by the Chair to be out of order.]

IN SENATE.

WEDNESDAY, December 27.

Slavery in the States, Territories, and District of Columbia—Mr. Calhoun's Resolutions.

Mr. CALHOUN submitted the following resolutions:

1. *Resolved*, That in the adoption of the Federal Constitution, the States adopting the same acted, severally, as free, independent, and sovereign States; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, domestic as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

2. *Resolved*, That in delegating a portion of their powers to be exercised by the Federal Government, the States retained, severally, the exclusive and sole right over their own domestic institutions and police, and are alone responsible for them, and that any intermeddling of any one or more States, or a combination of their citizens, with the domestic institutions and police of the others, on any ground, or under any pretext whatever, political, moral, or religious, with the view to their alteration or subversion, is an assumption of superiority not warranted by the constitution, insulting to the States interfered with, tending to endanger their domestic peace and tranquillity, subversive of the objects for which the constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

3. *Resolved*, That this Government was instituted, and adopted by the several States of this Union, as a common agent, in order to carry into effect the powers which they had delegated by the constitution for their mutual security and prosperity; and that, in fulfillment of this high and sacred trust, this Government is bound so to exercise its powers as to give, as far as may be practicable, increased stability and security to the domestic institutions of the States that compose the Union; and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions, instead of strengthening and upholding them, as it is in duty bound to do.

4. *Resolved*, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the constitution, by which it is recognized as constituting an essential element in the distribu-

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tion of its powers among the States; and that no change of opinion, or feeling, on the part of the other States of the Union in relation to it, can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States, respectively, on entering into the constitutional compact, which formed the Union, and as such is a manifest breach of faith, and a violation of the most solemn obligations, moral and religious.

5. *Resolved*, That the intermeddling of any State or States, or their citizens, to abolish slavery in this District, or any of the Territories, on the ground, or under the pretext, that it is immoral or sinful; or the passage of any act or measure of Congress, with that view, would be a direct and dangerous attack on the institutions of all the slave-holding States.

6. *Resolved*, That the union of these States rests on an equality of rights and advantages among its members; and that whatever destroys that equality, tends to destroy the Union itself; and that it is the solemn duty of all, and more especially of this body, which represents the States in their corporate capacity, to resist all attempts to discriminate between the States in extending the benefits of the Government to the several portions of the Union; and that to refuse to extend to the Southern and Western States any advantage which would tend to strengthen, or render them more secure, or increase their limits, or population by the annexation of new territory or States, on the assumption or under the pretext that the institution of slavery, as it exists among them, is immoral, or sinful, or otherwise obnoxious, would be contrary to that equality of rights and advantages which the constitution was intended to secure alike to all the members of the Union, and would, in effect, disfranchise the slave-holding States, withholding from them the advantages, while it subjected them to the burthens, of the Government.*

Mr. PRESTON remarked that his feelings in regard to the subject of the resolutions were

* These resolutions, and the debate to which they gave rise, and the modifications which they underwent, and the final vote upon them, constitute the most important proceeding on the subject of slavery which has ever taken place in Congress. They were framed to declare the whole power of Congress upon the subject, and were presented for a "test" vote, and as the future "platform" and "permanent settlement" of the law on the slavery question. The first four related to the States, and the rights of slavery in them under the guarantee of the constitution. The fifth related to the District of Columbia, and to the Territory of Florida, (that being the only slave territory then in the Union,) and placed the abolition of slavery therein in the hands of Congress, but forbid by high expedient reasons. These five resolutions were adopted, with modifications: the sixth was rejected, as looking to the annexation of Texas, and tending to forestall action on that question. The full debate, as prepared by the speakers themselves, follows after the current report of each day's proceedings; and while the whole debate possesses great interest, that of the 11th of January retains the greatest, as showing the unanimity of the speakers on the Missouri Compromise Act, and especially Mr. Calhoun's voluntary declaration, that he was for it at the time, but had since changed his opinion on account of the encouragement which it gave the Abolitionists.

in full union with those of his colleague, (Mr. CALHOUN,) but from the simple reading, he could but gather the sentiments they contained in an abstract form. Yet he would suggest the propriety of some delay in the action of the Senate thereon; as the resolutions from the State of Vermont, shortly to be offered by the Senator from that State, might bring the subject forward in a more applicable form, and anticipate the spirit and sentiments of the resolutions just offered. It had been some years since remarked on the floor of the Senate, that the time had gone by when legislation, by means of resolutions, would be sufficient to meet the wishes of the country on a subject so vitally important. He was still of the same opinion. The settlement of mere abstractions of principles will never answer the desired end. These remarks he had made simply to remind the Senate that it had been his intention, and was so still, to bring the matter forward in some more forcible and effective form at a future day.

Mr. CALHOUN did not feel disposed to await any action on the Vermont resolutions. He was prepared to act now; and as the resolutions just offered contained the whole gist of the matter at issue, he saw no necessity for further delay.

The motion to print was agreed to.

HOUSE OF REPRESENTATIVES

WEDNESDAY, December 27.

Mississippi Election.

The SPEAKER said he had had placed in his hands a communication from Messrs. S. S. Prentiss and T. J. Wood, claiming seats as Representatives from the State of Mississippi.

Referred to the Committee of Elections.

IN SENATE.

THURSDAY, December 28.

Mr. Calhoun's Resolutions.

Mr. CALHOUN said, in calling up these resolutions, it was not his intention, at the present time, to enter into any discussion of their merits or demerits, but merely to repel such objections as might be urged against them. The resolutions spoke definitely, and to all points, for themselves. This confederacy consisted of free, sovereign, and independent States, each vested with supreme and indisputable rights! Some there were, however, who considered this a great National Republic, made up of individuals, with rights common to all; of this class might be deemed the party termed Abolitionists, in the North. It was the object of these resolutions to bring forward the facts, and display them in their true light. He wished the deep deliberation of every Senator, as he desired to make the question, on their rejection or adoption, a *test* question. All present, every Senator, without exception, had

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confessed himself opposed to the fanatical doctrine of abolition; yet the South had no rallying point on which to stand; and, although their measures were justified by a great portion of the North, yet there was among them another party, zealots in the cause of Abolition, chiming aloud under the sacred right of petition. Many, doubtless, were drawn into that snare, who, in the first instance, were *conservative* in their views. Whatever might be the diversity of opinion, of this great country, on other points, on the matter now at issue no one could disagree. These resolutions, if adopted, would present ground where all could stand, and express their real opinions without trenching on or affecting the rights on other points. With regard to the right of slavery, his opinion was unalterable, and he held it an insult to have his rights attacked on the question. He hoped the Senate would take sufficient time to discuss calmly the subject, and that each Senator would express his individual opinion.

He did not desire them to pass by a bare majority; he wished them to pass by a unanimous vote; be that as it might, however, he would repeat what he had before said, that he wished it to be considered a *test question*. If these propositions were rejected, the Senate will have said to the South "come here no longer for protection;" by such a vote the Senate would legalize a continuance of these assaults. If, on the contrary, they were adopted, it would be a holy pledge of that body to protect it from further aggression; but if postponed or eluded, it would be incontrovertible evidence of the unwillingness of the Senate to express an opinion; and consequently must be considered a silent acquiescence in the insults offered to Southern rights and Southern feelings. If adopted, they would have a salutary effect in tranquillizing the public mind. He looked to these resolutions to create an awakening spirit in the country in favor of the constitution. The idea that this Republic was made up of one great aggregate of individuals, tended to increase the zeal of these fanatics, and a more rapid spread of their doctrines. The remedy must be found in the promulgation of opposite doctrines; and until this course was adopted, we could look for nothing but a continuance of their importunities. When the Republic was in danger, he must look to State rights, (the only true conservative principles,) and on this depended the preservation of the Union; and any other view must prove fatal to its peace.

Mr. PRESTON made a short reply. His objection to the introduction of the resolutions was, that they allowed ground for discussion; and that the subject ought never to be allowed to enter the halls of the Legislative Assembly, was always to be taken for granted by the South. Again: what would abstract propositions of this nature effect? He had them in the decalogue, but did they prevent crime?

Mr. STRANGE said that no measure could be considered child's play when wives, children, property, all that was dear to man, was at stake. Could he be otherwise than excited (said Mr. S.) when this subject is brought on the tapis? He felt sorry that the resolutions had been introduced; it was true he had been consulted, but his mind had not yielded assent, because he was of opinion that the South always lost ground by discussion, and he wished to avoid it from the very bottom of his soul. When a memorial had been presented from the Grand Jury of this District, praying that slavery might not be abolished in the District of Columbia, he had voted against the printing of that memorial, simply because he did not wish the question to go before the world. If the North sets us the example of excitement, why did we follow it? So far as he was concerned, he agreed with the whole spirit of the resolutions, but still did not think them sufficient to meet the exigency of the case. He was opposed to their postponement, because it would result in a long and protracted discussion, in which the South could not fail to be the sufferer. Let whatever action be had upon them, on this question, as in all others of magnitude, the greatest good must result from the most speedy action.

The greatest objection he had to the resolutions, was the danger of producing mischief by the discussion—mischief by the excitement that must necessarily be created in dipping into these disquieting topics. The proper course for the South, was, as he had before observed, to remain still, and pay no attention to the movements of these idle fanatics. When these abolition movements came from a higher source, he would point to the constitution, and that under that instrument our possessions are guaranteed. Vermont he thought had degraded herself by the adoption of the resolutions, (which on a former occasion, had been read in the Senate,) and by the presentation of them to this body, had forfeited her claims to respect. He was willing to believe that a majority of her citizens were opposed to their adoption, and that by some fatuitous circumstances, her Legislature had become momentarily filled with abolitionists! He hoped, for her everlasting credit, that the result of her earliest deliberations would be to retrace her steps, and retract the odious document directed to be presented. He was decidedly in favor of voting against the reception of all petitions, memorials, or resolutions, (come from whatever quarter,) in relation to the subject of slavery.

Mr. SWIFT said he had observed, that unpleasant allusions had been made to the resolutions which he had offered, and improper reflections passed upon the State of Vermont. He trusted gentlemen would forbear any further allusions, either to the documents or the State from which they emanated, during the present discussion, and which was manifestly on a different subject. He thought it would be time

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enough when the memorial from his State should be brought before the Senate.

Mr. CALHOUN said the Senator from North Carolina (Mr. STRANGE) was averse to the discussion of this subject; so was every one else; but he ought to *preach* that to the abolitionists, not to the defenders of the sovereignty of the States. Was it not better to meet the question a little offensively than not to meet it at all? With regard to the doctrines of the constitution, all might be well acquainted with them; and yet how were they observed? Was the South to sit still and see the constitution trodden under foot, and its principles assailed? Would it not be better to try and rally around that body all who were orthodox in their political adherence? Look to the alien and sedition law. Was that odious measure defeated by sitting still, and quoting the authority of the constitution? Was it not rather by a series of brief, summary, and abstract resolutions? By that straight-forward, manly course we would protect our own rights, and at the same time show that it was our aim to defend to the last the charter handed down to us by our forefathers. He wished these resolutions by no means to be considered as strictly a Southern measure. He hoped that the vote that would be given upon them, would be a Northern and Western, as well as Southern vote.

The question was taken on the postponement, and carried.

FRIDAY, December 29.

Mr. WEBSTER appeared, and took his seat.

Slavery—Mr. Morris's Resolutions, counter to Mr. Calhoun's.

Mr. MORRIS offered some resolutions, remarking that he had prepared them by way of amendment to those offered by the honorable Senator from South Carolina, (Mr. CALHOUN.) In drafting them he had, as far as his own opinion would permit, followed the text of those to which he had alluded, yet with variations calculated, in his view, to protect the right of petition, the freedom of speech, and the liberty of the press.

In offering the resolutions, the Senator from South Carolina had thrown the *glove*, and with expressions of triumph asserted that none in the Senate could vote, in his opinion, against his views. He, however, dared to enter the lists single-handed, and engage with him.

Mr. CALHOUN had expressed his hopes that his proposition would meet with general favor from the Senate. He had expected some trifling opposition, but nothing in the light of the present movement. It was, however, now decided that no concession or sacrifice would satisfy the opposition. We had here a fair specimen of the doctrine in full color. Yes, here was displayed the absolute *creed* of the abolitionists, fully developed; and from this he had little hope that his desire to promote the harmony

of the Union would be gratified. He, however, sternly denied throughout the charges brought against him by the gentleman who had offered the resolutions.

A motion to print was then agreed to.

WEDNESDAY, January 3.

Mr. Calhoun's Resolutions.

Mr. CALHOUN said he did not rise with a view to discuss the merits of the doctrines in the resolutions, but to repel the ground assumed by those opposed to them in their peculiar regard for freedom of speech, freedom of the press, and the *sacred* right of petition. His chief object in urging an early action was, that the ground taken by these resolutions was distinctly different from that assumed by the other side; and his main wish in asking that the resolutions from Vermont might be postponed, was a desire to meet them in a manner which he deemed most consonant with the duties he owed to the South as an individual, and the relation he bore to the country as a firm and unflinching supporter of the Union. He had remarked at the time the Vermont resolutions were presented, that if no other member called them up, he pledged himself to do so. In the mean time, he had consulted his own mind as to the best mode of meeting the momentous subject, and had come to the fixed conclusion that the resolutions he had presented were the best calculated to fix the ground on which *all* could meet, and dispassionately and sincerely consult the interests of the whole. The resolutions from Vermont were to have been presented tomorrow; and had he retained his former opinion, he would have voted against their reception; but they, coming from a sovereign State, (and being himself the advocate of State rights,) he should urge a free and full discussion concerning them, as having a higher claim than the petitions of infatuated individuals. As an advocate of State rights, he would not feel himself bound to vote against hearing these resolutions, but as a Southern man, feeling his dearest privileges so dangerously assailed, he could not vote for their reception. Thus trammelled as he was, he felt unwilling to leave the field, and in order to obtain a right to present his own views, he had prepared these resolutions as best adapted for the purpose, by presenting an antagonist course. His wish was to *test* the entire strength of the Senate on the subject, and to decide whether any neutral ground could be adopted, on which to rally, and check this dangerous and fatal doctrine. It was the one and the *only* one, as he before observed, of sufficient magnitude to endanger the Union, and this already had force enough to shake our political system to its very centre. On one side, there was a portion of the people of the North, who assert and maintain that our domestic institutions are sinful and immoral. On the other we claim our institutions as secured to us under

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the constitution, which we will not suffer them to interfere with, and there was the point at issue.

Mr. MORRIS asked to take the vote on each separate amendment. The resolutions in themselves were, to his mind, broad, sweeping, and denunciatory. What was the object of these resolutions? Was it not that a free discussion on an important question should not only be discountenanced, but silenced by a vote of that body? They were partial in their bearing, speaking on one side, and not on the other. Mr. M. for one, did not believe that Southern rights existed antagonistic to those of any other portion. Why talk of attacks on Southern interests and Southern feelings? Such sentiments might lead to geographical distinctions, but could never lead to the peace and happiness of the whole country. Mr. M. professed himself a State rights man, and had as high a devotion to the Union as any one; but he did not agree with the views of the Senator, that this Republic was a Confederacy of separate and independent States. He considered the constitution to be adopted and ratified by the united voice of the people. Mr. M. wished to know what the Senator from South Carolina meant by interfering with domestic policy? Would that gentleman contend that because he (Mr. M.) talked of slavery in the abstract as a moral sin, that he should have his rights abridged? Freedom of speech, of the press, and the sacred right of petition, were all sought to be put down at one fell swoop. If we could not meet together and discuss subjects and compare conditions with others, for evil or for good, we should, instead of progressing in our high destiny, retrograde, and be the merest ciphers.

Mr. ALLEN suggested that it might be as well to strike out the word *religious*, as all discussions in relation to it were, in his opinion, improper and not called for.

Mr. CALHOUN said that the whole spirit of the resolution hinged upon that word.

Mr. MORRIS moved to strike out the words "moral or religious;" on which he asked the yeas and nays.

Mr. PRESTON thought the difficulty might be obviated by letting the resolution read, "under any pretence whatever."

Mr. CALHOUN objected. This spirit of abolition was nothing more than that fanaticism that had carried thousands of victims to the stake. What aroused that demoniacal spirit, but the opinion that the faith of one man was criminal in the sight of another. Here the same spirit was attempted to be revived, under the name of abolition, and he trusted to the good sense of the nation to put it down. It was impossible for him to consent to the suggestion of his colleague. The South had been assailed upon the principle that slavery was wicked and immoral; and could we meet it with such a milk-and-water measure, as that "*under any pretext whatever*," which, to his mind, was depriving it of its very essence.

Mr. BUCHANAN would express his opinion as firmly and decidedly as any man, in relation to the subject; not wishing to excite prejudices in the minds of any, he thought the resolution quite as strong with the modification as without it.

Mr. ALLEN was unwilling that there should be any allusion to religion in any way whatever; it was not a subject for discussion in the Legislatures of States or in the Senate; it was a matter left entirely to the citizen himself.

Mr. YOUNG thought nothing short of the resolutions of the Senator from South Carolina would have the desired effect. He had many friends in Illinois, who were decided Abolitionists, with whom he had reasoned on the danger of their course to the Union, to which all were attached; but with them it was considered a religious duty they had to perform; and hence was of opinion that the provision ought not to be stricken out.

Mr. BAYARD took a constitutional view of the question; and, though he denounced the spirit of abolition as dangerous and wicked in the extreme, yet he did not feel himself authorized to vote for the resolutions. If the doctrine contained in them was correct, then nullification was correct; and, if passed, might hereafter be appealed to as a precedent in favor of that doctrine.

Mr. CALHOUN wished merely to cover the common creed of the State rights party, and he had appealed to gentlemen directly antagonists to him, that if they saw any thing in the resolutions at all savoring of what had been suggested by the Senator, he would immediately pass his pen through it.

Mr. LUMPKIN was in favor of the resolutions, and retaining them as originally drafted by the Senator from South Carolina. He still believed that there were a very large portion of the North sincerely attached to the Union, and had neither part nor lot in these mischievous proceedings.

On Mr. MORRIS's motion to strike out the words "moral and religious," there appeared—yeas 14, nays 31.

The question was then taken on the first resolution, and carried,—yeas 31, nays 13.

Mr. WEBSTER admitted the necessity of some definite action on the subject on the part of Congress; but his objection to the adoption of the resolutions now under consideration was based solely on the belief that they were at variance with the correct interpretation of the constitution. Though the States might have certain vested rights, yet they were such as were strictly of a local nature, and limited in their extent to strict compliance with constitutional provisions.

If the resolutions set forth that all domestic institutions, except so far as the constitution might interfere, and any intermeddling therewith by a State or individual, was contrary to the spirit of the confederacy, and was thereby

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illegal and unjust, he would give them his hearty and cheerful support.

The Confederacy could never have existed without this prevailing power of the constitution, and could no longer exist without its continuance. It was difficult to define what domestic institutions were without the pale of the constitution. Judicature was one of the class, and so with commerce, except inasmuch as the making of treaties was concerned. Yet it was not so as regards slavery. It was the express power of Congress to prohibit the importation of slaves, though the institution was in itself guaranteed by the constitution.

If the resolutions could be modified to meet the constitutional requisitions, asserting that the constitution *permitted* slavery, and protected the institution, he would then vote for them. An assertion here that the constitution cannot meddle with domestic institutions, if supported, utterly deprives it of power or effect.

Mr. CALHOUN assumed that there were now many institutions so far domestic as to be wholly within the control of States wherein they existed. Such was negro slavery. The gentleman's views evidently differed materially from his. No one could support an argument against his views respecting slavery. He could name a long catalogue of institutions controlled wholly by States on the same ground. He would not, in establishing such control, inquire and mark out the dividing line of public opinion in the premises. It was alike the sacred right of all, whether of the North or South. These rights, were institutions growing out of the constitution, and which must be maintained, and could never be meddled with by others, but with the greatest danger to the Confederacy.

Mr. WEBSTER inferred from the gentleman's argument, that the question was not whether there were not some domestic institutions beyond the reach of the constitution, but it claims that all such were beyond its control.

Mr. CALHOUN had no objection to striking out *all* to meet the views of the Senator from Massachusetts.

Mr. MORRIS moved to strike out certain words in the second resolution; lost—yeas 12, nays 32.

Mr. SOUTHARD objected to further amendment. There was now nothing left of the second resolution but simply a declaration that the States "have just what rights they have."

The question was taken on the adoption of the second resolution, and carried—yeas 31, nays 9.

FRIDAY, January 5.

Disturbances on the Northern Frontier.

The CHAIR communicated the following Message from the President of the United States:

To the Senate and

House of Representatives of the United States:

Recent experience on the southern boundary of the United States, and the events now daily occurring on our northern frontier, have abundantly shown that the existing laws are insufficient to guard against hostile invasion, from the United States, of the territory of friendly and neighboring nations.

The laws in force provide sufficient penalties for the punishment of such offences, after they have been committed, and provided the parties can be found; but the Executive is powerless in many cases to prevent the commission of them, even when in possession of ample evidence of an intention on the part of evil-disposed persons to violate our laws.

Your attention is called to this defect in our legislation. It is apparent that the Executive ought to be clothed with adequate power effectually to restrain all persons within our jurisdiction from the commission of acts of this character. They tend to disturb the peace of the country, and inevitably involve the Government in perplexing controversies with foreign powers. I recommend a careful revision of all the laws now in force, and such additional enactments as may be necessary to vest in the Executive full power to prevent injuries being inflicted upon neighboring nations by the unauthorized and unlawful acts of citizens of the United States, or of other persons who may be within our jurisdiction, and subject to our control.

In illustration of these views, and to show the necessity of an early action on the part of Congress, I submit herewith a copy of a letter received from the Marshal of the northern district of New York, who had been directed to repair to the frontier, and take all authorized measures to secure the faithful execution of existing laws.

M. VAN BUREN.

WASHINGTON, January 5, 1838.

Mr. CLAY rose to express his full conviction of the necessity of some early action on this important subject. No spectacle could be more revolting to the feelings of a free people, than a war either among themselves or with another country. The views of the Executive met his highest approbation, but it was the duty of Congress to examine, and, if the existing laws were not adequate to prevent the alleged interference of our citizens, others should be forthwith enacted for the full accomplishment of an object so desirable. Mr. C. adverted, in connection, to the vexatious and unsettled state of our Northern boundary, which state of things tended to increase the danger which now threatened us.

If the people of this country choose to renounce their citizenship, it was perhaps allowable; but any interference with a rebellion in a country with which we were at peace, should meet the earliest attention of our Government. We might, as citizens, freely, and in any manner we thought proper, express our sympathies with either belligerent party, but in no case lend them aid or countenance.

He hoped that to whatever committee the subject might be referred, they would examine whether or not the action of our citizens had not been limited to some disputed territory, or

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whether arms, munitions of war, or supplies, had been furnished, and which, if proved true, such conduct must be viewed by Government as in the highest degree reprehensible.

Mr. CALHOUN had felt from the beginning of the troubles in Canada the greatest anxiety, and a fear that it might result in difficulties to this country. He hoped the existing laws, prohibiting the interference of our citizens, would be rigidly enforced; and if, on examination, they should be found insufficient to meet the exigencies of the case, that new ones would be speedily enacted. He would set forth in the strongest light the terrible consequences of a war with Great Britain at the present time. He urged in the most emphatic manner, the necessity of clothing the Executive with all needful additional power, if the laws in force were in this respect too limited. He moved the reference to the Committee on Foreign Relations.

After some remarks by Mr. BENTON in favor of the motion to commit, the documents were referred to the Committee on Foreign Relations.

HOUSE OF REPRESENTATIVES.

MONDAY, January 8.

Message from the President—British Invasion of American Soil—Attack on the Caroline.

The following Message, in writing, was received from the President of the United States.

To the Senate and

House of Representatives, United States:

In the highly excited state of feeling on the northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic Majesty's dominions. Every precaution was therefore taken on our part authorized by the existing laws, and as the troops of the provinces were embodied on the Canadian side, it was hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you that an outrage of a most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighborhood, and in the whole border line, and that the excitement previously existing has been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia to be posted on that frontier. The documents herewith presented to Congress, show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity for resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British minister accredited to this country, and the proper steps taken on our part to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

M. VAN BUREN.

WASHINGTON, Jan. 8, 1838.

Mr. Rogers to the President.

BUFFALO, Dec. 30, 1837.

SIR: Our whole frontier is in commotion, and I fear it will be difficult to restrain our citizens from revenging, by a resort to arms, this flagrant invasion of our territory. Every thing that can be done will be by the public authorities to prevent so injudicious a movement. The respective sheriffs of Erie and Niagara have taken the responsibility of calling out the militia, to guard the frontier, and prevent any further depredations.

I am, sir, with great consideration,

Your obedient servant,

H. W. ROGERS,

District Attorney for Erie county.

STATE OF NEW YORK, *Niagara county, ss.*

Gilman Appleby, of the city of Buffalo, being sworn, says, that he left the port of Buffalo on the morning of the 29th instant, in the steamboat *Caroline*, owned by William Wells, of Buffalo, and bound for Schlosser, upon the east side of the Niagara River, and within the United States. That this deponent commanded the said *Caroline*, and that she was cleared from Buffalo with a view to run between said Buffalo and Schlosser, carry passengers, freight, etc. That this deponent caused the said *Caroline* to be landed at Black Rock, on her way down; and that, while at Black Rock, this deponent caused the American flag to be run up; and that, soon after leaving Black Rock harbor, a volley of musketry was discharged at the *Caroline* from the Canada shore, but without injury. That the said *Caroline* continued her course down the Niagara River unmolested, and landed outside of certain scows or boats attached to Navy Island, where a number of passengers disembarked, and, as this deponent supposes, certain articles of freight were landed. That from this point the *Caroline* ran to Schlosser, arriving there at three o'clock in the afternoon; that, between this time and dark, the *Caroline* made two trips to Navy Island, landing as before. That, at about six o'clock in the evening, this deponent caused the said *Caroline* to be landed at Schlosser, and made fast with chains to the dock at that place. That the crew and officers of the *Caroline* numbered ten, and that, in the course of the evening, twenty-three individuals, all of whom were citizens of the United States, came on board of the *Caroline*, and requested this deponent and other officers of the boat to permit them to remain on board during the night, as they were unable to get lodgings at the tavern near by; these requests were acceded to, and the persons thus coming on board retired to rest, as did also all of the crew and officers of the *Caroline*, except such as were stationed to watch during the night. That about midnight, this deponent was informed by one of the watch that several boats filled with men were making towards the *Caroline* from the river, and this deponent immediately gave the alarm, and before he was able to reach the deck the *Caroline* was boarded by some seventy or eighty men, all of whom were armed. That they immediately commenced a warfare with muskets, swords, and cutlasses, upon the defenceless crew and passengers of the *Caroline*, under a fierce cry of "G—d damn them, give them no quarters; kill every man; fire! fire!" That the *Caroline* was abandoned without resistance, and the only effort made by either the crew or passengers seemed to be to escape slaughter. That this deponent narrowly escaped; having received several

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wounds, none of which, however, are of a serious character. That immediately after the Caroline fell into the hands of the armed force who boarded her, she was set on fire, cut loose from the dock, was towed into the current of the river, there abandoned, and soon after descended the Niagara Falls; that this deponent has made vigilant search after the individuals, thirty-three in number, who are known to have been on the Caroline at the time she was boarded, and twenty-one only are to be found, one of whom, to wit, Amos Durfee, of Buffalo, was found dead upon the dock, having received a shot from a musket, the ball of which penetrated the back part of the head, and came out at the forehead. James H. King and Captain C. F. Harding were seriously, though not mortally wounded. Several others received slight wounds. The twelve individuals who are missing, this deponent has no doubt were either murdered upon the steamboat, or found a watery grave in the cataract of the falls. And this deponent further says, that immediately after the Caroline was got into the current of the stream and abandoned, as before stated, beacon lights were discovered upon the Canada shore, near Chippewa; and after sufficient time had elapsed to enable the boats to reach that shore, this deponent distinctly heard loud and vociferous cheering at that point. That this deponent has no doubt that the individuals who boarded the Caroline were a part of the British forces now stationed at Chippewa.

GILMAN APPLEBY.

STATE OF NEW YORK, *Niagara county*, ss.

Charles F. Harding, James H. King, Joshua H. Smith, William Seaman, William Kennedy, William Wells, John Leonard, Sylvanus Staring, and John Haggarty, being sworn, severally, depose and say that they have heard the foregoing affidavit of Gilman Appleby, read; that they were on the Caroline at the time she was boarded as stated in said affidavit, and that all the facts sworn to by said Appleby as occurring after the said Caroline was so boarded as aforesaid, are correct and true.

*Mr. Poinsett to Gen. Scott.*DEPARTMENT OF WAR, *January 5, 1838.*

SIR: You will repair, without delay, to the Canada frontier of the United States, and assume the military command there.

Herewith you will receive duplicate letters to the Governors of the States of New York and Vermont, requesting them to call into the service of the United States such a militia force as you may deem necessary for the defence of that frontier of the United States.

This power has been confided to you in the full persuasion that you will use it discreetly, and extend the call only so far as circumstances may seem to require.

It is important that the troops called into the service should be, if possible, exempt from that state of excitement which the late violation of our territory has created, and you will therefore impress upon the Governors of these border States the propriety of selecting troops from a portion of the State distant from the theatre of action.

The Executive possesses no legal authority to employ the military force to restrain persons within our jurisdiction, and who ought to be under our control, from violating the laws, by making incursions into the territory of neighboring and friendly nations, with hostile intent. I can give you, therefore, no instruc-

tions on that subject; but request that you will give us your influence to prevent such excesses, and to preserve the character of this Government for good faith, and a proper regard for the rights of friendly powers.

The militia will be called into the service for three months, unless sooner discharged; and in your requisitions you will designate the number of men, and take care that the officers do not exceed a due proportion.

It is deemed important that the administrative branch of the service should be conducted, wherever practicable, by officers of the regular army.

The disposition of the force, with regard to the points to be occupied, is confided to your discretion, military skill, and intimate knowledge of the country; and the amount of that force must depend upon the character and duration of the contest now going on in Canada, and the disposition manifested by the people and the public authorities of that colony.

The President indulges a hope that outrages, similar to that which lately occurred at Schlosser, will not be repeated; and that you will be able to maintain the peace of that frontier without being called upon to use the force which has been confided to you.

*Mr. Poinsett to Gov. Marcy.*DEPARTMENT OF WAR, *January 5, 1838.*

SIR: The territory of the United States having been violated by a party of armed men from the Canada shore, and apprehensions being entertained, from the highly excited feelings of both parties, that similar outrages may lead to an invasion of our soil, the President has thought proper to exercise the authority vested in him by law, and call out such a militia force as may be deemed necessary to protect the frontiers of the United States.

I am, in consequence, instructed by the President, to request you will call into the service of the United States, and place under the command of Brevet Major-General Scott, such militia force as he may require to be employed on the Canada frontier, for the purpose herein set forth.

[Same to his Excellency, SILAS H. JENNISON, Governor of Vermont, Montpelier, Vermont.]

*Mr. Forsyth to Mr. Fox.*DEPARTMENT OF STATE, *Washington, Jan. 5, 1838.*

SIR: By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this Department of an extraordinary outrage committed from Her Britannic Majesty's province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New York. The destruction of the property, and assassination of citizens of the United States on the soil of New York, at the moment when, as is well known to you, the President was anxiously endeavoring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada, has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon Her Majesty's Government. This communication is made to you under the expectation that, through your instrumentality, an early explanation may be obtained from the authorities of Upper Canada of all the circumstances of the transaction; and that, by your advice to those authorities, such decisive precautions may

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be used as will render the perpetration of similar acts hereafter impossible. Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character, and to make known to you that if it should occur, he cannot be answerable for the effects of the indignation of the neighboring people of the United States.

The Message having been read,

Mr. HOWARD said, that seeing the President, in the conclusion of the Message, called for an appropriation, he should move its reference to the Committee of Ways and Means, otherwise he should have moved to refer it to the Committee on Foreign Affairs.

Mr. THOMPSON moved that so much of the Message as related to the call for appropriations be referred to the Committee of Ways and Means, and the residue thereof to the Committee on Foreign Affairs.

Mr. GRAY did not rise for the purpose of excusing the deed which was said to have been done, but he was opposed to any course during the present state of things which would have the least tendency to place us in a warlike position with Great Britain.

Mr. TILLINGHAST thought it extremely important that the feeling of excitement in the North should not be further excited by discussions in that Hall. No gentleman knowing the high and liberal policy of Great Britain, could suppose that she would refuse to discountenance and deliver up those murderers, provided the facts alleged were properly established. But, at the same time, he considered it highly necessary that our citizens on the frontier ought to be protected from such attacks, and not to be left defenceless. He hoped that troops would be sent immediately to preserve the peace, and prevent a retaliation from our own people, if possible, still more violent. But, this state of things ought to have been foreseen more than a month ago, and measures provided accordingly.

Mr. BRONSON regretted to see that there was a greater disposition to make war on the Administration than on Great Britain. He was as much averse to a war with Great Britain as any one, but he could not restrain his surprise that gentlemen should throw the whole blame of the recent occurrences upon the Administration. He would ask if the Administration had not done all that was possible it could do under all the circumstances of the case? Was the Administration to be blamed for the peculiar situation of that portion of our frontier, and because a party from the other side had come over and murdered a number of our citizens? Until within the last thirty days there were no indications in that quarter which would authorize the Executive to adopt such measures as were now necessary.

Mr. RILEY thought the House should, in the first place, look at the matter calmly, and ascertain who was to blame. Was it with the

Administration? Candor, certainly, would declare not, whilst not a regular soldier was available at its command; and the civil officers on the frontier, who had been called upon to repress the excitement, appear by their conduct to have been the instruments of increasing and continuing it. How, sir, asked Mr. R., had the difficulty commenced? Was it not caused by a fugitive from Canada, a traitor according to the laws of his country, for whose head a price had been offered, coming over the lines into the United States, and in open day, in the streets of Buffalo, by his inflammatory speeches, inducing the citizens of the United States to take up arms, and assist in a rebellion of the subjects of a friendly power, who was rightfully endeavoring to maintain her institutions? This fugitive had not only been harbored and entertained by us, but recruits from amongst our citizens were openly mustered to his standard. Now, have we forgotten the laws of nations as we applied them when Gen. Jackson seized upon Pensacola, because her authorities harbored our Indian enemy, and furnished them with munitions of war? He then ably demonstrated, by the gentleman from Massachusetts, then Secretary of State, that for such a cause we had a right to take possession by the sword of the city of a friendly nation; and have the citizens of Buffalo done less than the Governor of Pensacola? Suppose the subjects of Great Britain should gather together upon our frontiers, in combination with some discontented, factious citizens, with the avowed purpose of overturning our republican institutions—how would we bear it? and how would we tolerate the idea that munitions of war, provisions, and fire-arms, should be furnished these our enemies by British subjects? Unquestionably we would consider ourselves as grossly wronged, and would be very slow in recognizing any spirit of friendship as dictating such measures.

Mr. MENIFEE endeavored to show that greater causes had been at work, previous to the attack on the steamboat Caroline, to produce the present state of things. He alluded at some length to the policy of this Government toward Mexico, which, he contended, had engendered a lawless and dishonorable feeling in our citizens, and had influenced their conduct in relation to Canada. He was in favor of a reference of the whole subject to committees.

Mr. THOMPSON said he would not prejudice the case—he would not rely upon newspapers and ex parte statements on either side; he wanted information in an authentic form. But if that statement is true, (and the President seems to think it so,) it is a cold-blooded, unmitigated, and savage murder of unoffending American citizens, with circumstances of atrocity unprecedented among civilized nations, even in a state of actual war. He sincerely hoped that there were facts which would excuse or explain the statement which we now have. If there are not, no disclaimer on the part of the British Government, no atonement by that

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Government short of a surrender to our tribunals of the ferocious assassins, should, or would satisfy the American people. The gentleman from Kentucky (Mr. MENIFFE) had said that there was no danger of war; that there was no principle involved; none such as the right of search. No principle involved! Great God! sir, are we to be told that there is no principle involved in the invasion of our territory by a hostile band of another nation, and the murder, with fiendish atrocity, of our sleeping and unoffending citizens? The gentleman has alluded to another topic, which, although Mr. T. had anticipated, he did not expect from that quarter. The gentleman said that the course of our Government towards Mexico had been infamous, cowardly, but that we were now about to be forced by England, our peer, our equal, to do that which our sense of justice had not prompted towards Mexico. He had no wish to see our Government presented in this light to the civilized world. He had watched the course of the Administration through the whole progress of the war in Texas, and he was prepared to prove that our Government had exerted every power under the constitution and laws to enforce neutrality.

The laws upon that subject are, in the main, penal, not preventive. There was no power to prevent our citizens from expatriating themselves to Texas or any other country, nor to prevent them from bearing arms in the wars of their new country. Such was almost, in every instance, the case with our citizens who went to Texas. Not one in one hundred has gone there with other views than of permanent settlement. The only law which could have prevented this was the act of 1818, forbidding enlistment for foreign service. In all cases, along our whole border, the district attorneys were earnestly and repeatedly urged to enforce the law. If they did not, it was no fault of the Government. It resulted from a universal sympathy of our people with the gallant struggle of the Texans, which rendered the enforcing the law impossible. *Quid volent leges sine maribus.* You never can enforce a law which violates the general feeling of the country, without breaking down the most sacred guarantee of public liberty—the trial by jury. So much, sir, for the infamous violation of our neutrality, for which the gentleman from Kentucky desires to see us forced to a different course by the power of England. I agree with my friend and colleague, (Mr. RHETT,) in his reprehension of the conduct of some of our citizens on the Canada frontier. Their conduct is not only wrong; it is criminal. Every citizen is bound, in law and in honor, to respect the treaty stipulations of his Government. There is scarcely a political crime more dangerous in its consequences than a violation of this duty. But I do not see justification or excuse in the fact of some of our citizens having, as individuals, gone to Canada, and engaged in the insurrection, for an armed band, said to

be a portion of the Canadian army, invading our soil, and murdering our citizens who were innocent (and such is the statement) of any participation in the war now raging in Canada.

Mr. WISE moved the previous question on the motion of reference; which, being ordered, the question was taken on the main question, and agreed to.

IN SENATE.

TUESDAY, January 9.

Message from the President—British Invasion of American Soil—Attack upon the Caroline.

A Message was received from the President of the United States, on the subject of the recent invasion of our territory on the Canada frontier, and destruction of the lives of our citizens, by the British authorities of Upper Canada.

[It is the same document as that given in the House proceedings of yesterday.]

Mr. CLAY, of Kentucky, moved that that portion of the Message which relates to an appropriation be referred to the Committee on Finance; and that the other portion of it, relating to our foreign affairs, be referred to the Committee on Foreign Relations. While up, Mr. C. said he must take occasion to say, that he did think that the recent outrage committed on the soil of the United States, and on the lives of its citizens, was of the most atrocious nature in its character and consequences—wholly unjustifiable, and not in the slightest degree palliated by any thing which preceded it. And, sir, (said Mr. C.) there was a character of deliberation attending it which aggravates the enormity. It was in the dead hour of the night; it was from a shore in a belligerent condition, and therefore in a state of constant watchfulness; it was after a state of preparation, which must have been at least three or four hours, showing that the commander of the British forces was apprised of it, and the destination of the attacking force. It was altogether impossible that he was ignorant of the fact that this vessel was lying quietly at anchor within our jurisdiction, and therefore in a condition which could not justify an attack. It was under all these circumstances that the attack was made. Neither the people of the United States, in the aggregate, nor those in the immediate neighborhood of the disturbed district, nor the Government of the United States, had done any thing to justify this most unparalleled outrage. I want no further evidence (said Mr. C.) than that now presented to me, to satisfy me that there is nothing to justify it. It was to be regretted (Mr. C. said) that in our own history examples had been furnished by which this outrage might be palliated. Without, however, adverting to them, or to any recent occurrences, he would only say that the true ground for a great nation to place itself on, was that of justice; that it should respect the rights of all nations, the weak as well as

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the powerful; and to abstain from all acts which might hereafter be brought up as precedents against them. While he made these remarks, he by no means wished to be understood as desiring to kindle up a spirit of war between this country and Great Britain; though he thought that ample, prompt, and full indemnity should be given us. He should, as much as any man, deplore a war; but, looking to the vast resources of our country, the valor of our citizens, and our achievements in former times, he would not fear the result.

Mr. CALHOUN expressed his hopes that, in this early stage, and before we were fully advised, that no attempt would be made to excite the feelings of the public by debating the subject, which must be the natural result of such a course.

The late difficulties on our frontier might, by any reasonable person, have been anticipated. There are so many ties which necessarily bind the feelings of the population on either and both sides of the boundary line on that part of our frontiers, which has been the scene of bloodshed and outrage, that any attempt by either Government to oppress such population, would call forth the sympathies of the other; and in case of any movement in Canada, what could we expect but that our citizens would take part with the inhabitants, even though their wrongs were but pretended, in case due care was not taken by Government to prevent such interference?

What more distressing event could come than a war between two such nations as Great Britain and the United States? The human mind cannot conceive of a greater calamity. And this may be averted by a careful examination of all the facts on both sides of the subject as now presented for our consideration. Many wrongs may have been committed by our citizens of which we are now unadvised, and many palliations may be produced in favor of the other side.

It would be time enough to discuss the question after the report of the Committee on Foreign Relations should have been heard. We should be then better advised as to a future course of conduct. Mr. C. implored the Senate not to adopt any rash or hasty measures.

Mr. BENTON said that before this question went out of the Senate, he must be permitted to say a solitary word arising out of it. A statement had been made on the other side of the chamber, (by Mr. CLAY,) which he was unwilling should go forth to the world contradicted. After characterizing this outrage in very appropriate language, and in a manner becoming an American, the member said, as it had caught his ears, that "this outrage had a precedent in our conduct towards other nations." Now, lest the British should derive an excuse for it, from hearing it said in this chamber, that an example for this outrage had been given by our Government, he (Mr. B.) would take this occasion to say, emphatically, that he knew of no such example to be found in our history.

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THURSDAY, January 11.

Mr. Calhoun's Resolutions.

The consideration of Mr. CALHOUN's resolutions was resumed.

Mr. CLAY, at the suggestion of Mr. SEVIER, assented to an amendment, by striking out the clause relating to the treaty with Spain of 1819.

Mr. CLAY proposed further to amend, by striking out such parts as relates to the Indians, except in cases where, by their influence, the institution of slavery has extended north of the compromise line.—(36 deg. 30 min. N. lat.)

Mr. SEVIER opposed this motion, and on the question being taken, the result was:

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Grundy, Hubbard, King, Lyon, McKean, Morris, Merrick, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Smith of Connecticut, Smith of Indiana, Swift, Tipton, Williams, and Young—31.

NAYS.—Messrs. Calhoun, Clay of Alabama, Fulton, Lumpkin, Nicholas, Robinson, Sevier, Strange, Walker, and White—10.

Mr. RIVES moved, as an amendment,

Resolved, That any interference with the subject of slavery in the Territories of the United States in which it may exist, is inhibited by all the considerations in regard to the rights and interests of the inhabitants of said Territories, the security of the slaveholding States, and the danger to the Union, which are mentioned in the preceding resolution as forbidding any interference with, or action on, the subject of slavery in the District of Columbia; and for the further reason that the people of those Territories, when admitted into the Union as States, will be exclusively entitled to decide the question of the existence of slavery within their respective limits for themselves.

The question resulted as follows:

YEAS.—Messrs. Calhoun, Cuthbert, Fulton, Lumpkin, Preston, Rives, Roane, Sevier, Tipton, and White—10.

NAYS.—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Grundy, Hubbard, King, Lyon, Merrick, Nicholas, Rives, Norvell, Pierce, Robinson, Smith of Connecticut, Smith of Indiana, Strange, Swift, Walker, Webster, Williams, Wright, and Young—29.

The resolution was amended so as to read as follows:

Resolved, That any attempt of Congress to abolish slavery in any Territory of the United States in which it exists, would create serious alarm and just apprehension in the States sustaining that domestic institution; would be a violation of good faith towards the inhabitants of such Territory, who have been permitted to settle with and hold slaves, because the people of such Territory have not asked for the abolition of slavery therein, and because that, when any such Territory shall be admitted into the Union as a

State, the people thereof will be entitled to decide that question exclusively for themselves.

The question on its adoption, was carried by—

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, Hubbard, King, Knight, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, White, Williams, Wright, and Young—34.

NAYS.—Messrs. Clayton, Davis, Grundy, McKean, Prentiss, Robbins, Smith of Indiana, Swift, and Webster—9.

FRIDAY, January 12.

Mr. Calhoun's Resolutions.

MR. CALHOUN'S sixth and last resolution was then taken up, when Mr. CALHOUN supported it with a few preliminary observations.

MR. PRESTON moved to lay the resolution on the table.

The question was taken, and carried by—

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lyon, McKean, Merrick, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Strange, Swift, Tallmadge, Tipton, Webster, White, Williams, and Wright—35.

NAYS.—Messrs. Calhoun, Clay of Alabama, Fulton, Lumpkin, Roane, Robinson, Sevier, Walker, and Young—9.

The following is a copy of these resolutions, as they passed the Senate:

1. *Resolved*, That, in the adoption of the Federal Constitution, the States adopting the same acted, severally, as free, independent, and sovereign States; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, domestic as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

2. *Resolved*, That in delegating a portion of their powers to be exercised by the Federal Government, the States retained, severally, the exclusive and sole right over their own domestic institutions and police, to the full extent to which those powers were not thus delegated, and are alone responsible for them; and that any intermeddling of any one or more States, or a combination of their citizens, with the domestic institutions and police of the others, on any ground, political, moral, or religious, or under any pretext whatever, with the view to their alteration or subversion, is not warranted by the constitution, tending to endanger the domestic peace and tranquillity of the States interfered with, subversive of the objects for which the constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

3. *Resolved*, That this Government was instituted and adopted by the several States of this Union as a common agent, in order to carry into effect the powers which they had delegated by the constitution

for their mutual security and prosperity, and that in fulfilment of this high and sacred trust, this Government is bound so to exercise its powers, as not to interfere with the stability and security of the domestic institutions of the States that compose the Union; and that it is the solemn duty of the Government to resist, to the extent of its constitutional power, all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions.

4. *Resolved*, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the constitution, by which it is recognized as constituting an important element in the apportionment of powers among the States, and that no change of opinion or feeling, on the part of the other States of the Union in relation to it, can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States respectively, on entering into the constitutional compact which formed the Union, and as such are a manifest breach of faith, and a violation of the most solemn obligations.

5. *Resolved*, That the interference by the citizens of any of the States, with the view to the abolition of slavery in this District, is endangering the rights and security of the people of the District, and that any act or measure of Congress designed to abolish slavery in this District, would be a violation of the faith implied in the cessions by the States of Virginia and Maryland, a just cause of alarm to the people of the slave-holding States, and have a direct and inevitable tendency to disturb and endanger the Union.

And Resolved, That any attempt of Congress to abolish slavery in any Territory of the United States in which it exists, would create serious alarm, and just apprehension, in the States sustaining that domestic institution; would be a violation of good faith towards the inhabitants of any such Territory who have been permitted to settle with, and hold slaves therein, because the people of any such Territory have not asked for the abolition of slavery therein, and because when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to decide that question exclusively for themselves.

The final vote upon the adoption of these resolutions, was:

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Walker, White, Williams, Wright, and Young—35.

NAYS.—Messrs. Clayton, Davis, Knight, McKean, Prentiss, Robbins, Smith of Indiana, Swift, and Webster—9.

[The debate on these resolutions was deemed so material, that each speaker drew up his own remarks after the current debate was published, and placed them in the Appendix to the current debate, from which they are now taken to follow the subject to which they belong.]

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WEDNESDAY, January 3.

Mr. Calhoun's Resolutions.

The second resolution being under consideration, and Mr. MORRIS having moved to strike out the words "moral or religious;" on which he asked the yeas and nays—

Mr. YOUNG said that he had risen to request the honorable Senator from South Carolina (Mr. CALHOUN) to insist upon the form of the resolution under consideration as it then was. Why, sir, strike out the words *political, moral, or religious*, when it is known, or ought to be known, that this is the identical language employed by the Abolitionists as the pretext for interfering with the domestic relations of the South? Shall we not use terms as forcible, and as expressive of the object we have in view, as have been used by them to propagate their mischievous doctrines, which have well nigh arrayed one section of the Union against another? If I mistake not, Mr. President, this is also the language of the *Vermont resolutions*, of which we have had notice. This, sir, is the very ground upon which the Abolitionists place the argument—that domestic slavery, in every form, is "*unbecoming a moral and religious people*"—and upon this ground I desire to meet them. Yes, sir, the question, if we expect to effect any good purpose by these resolutions, should be met promptly and directly. Gentlemen tell us that the object, aim, and end of these memorials is abolition in the District of Columbia—nothing more. Is this the fact, Mr. President? On the contrary, do we not know, does not every Senator know, that this movement in the District, if successful, is intended to reach slavery in every part of the country, under whatever form it may exist? It is but the entering wedge to their grand scheme of universal *emancipation and elevation* throughout the country. Mr. President, how can we mistake the object, if we look into the numerous abolition papers which are continually laid upon our tables, (from what quarter, or at whose expense, I know not,) and which are as constantly filled with the grossest misrepresentations and perversions of the Southern character, as connected with the domestic institution of slavery, as it exists under the constitution in that portion of the confederacy? I read these papers, sir; I have considered their purport, and cannot be mistaken in the opinion, that a general war (a *moral and religious one* if you choose) upon domestic slavery, as it exists in the South and South-western States, is intended. I wish the gentlemen from the South, instead of throwing them into the fire, would read them also, and they will soon discover, if they are not already informed, the nature of this war, and the weapons to be employed by one of the parties to the contest, the better to insure the victory. Yes, sir, the garb of religion is to be assumed, and under that specious pretext, the constitution itself is to be first

rent, and then torn to pieces. Mr. President, I reside in a non-slaveholding State; the people of that State are essentially in favor of emancipation, and I am proud of its free institutions. But, sir, as much as we prefer freedom to slavery, the great mass of our inhabitants are as decidedly opposed to all interference with the domestic relations of the other States which differ with us in sentiment on this all-important subject. They regard slavery as it exists under the Constitution of the United States, as not now a debatable question. But the State of Illinois has not left her sister States of the South to doubt and conjecture as to her position on this great question. That State, by its Legislature, has, in the solemn form of resolutions, as far as she could consistently go without infringing the constitutional rights of her citizens, stamped its seal of disapprobation upon the doctrine of modern Abolitionism in all its forms.

I trust, sir, that the Senator from South Carolina (Mr. CALHOUN) will insist upon the resolution as it is, and that the amendment of the Senator from Ohio, (Mr. MORRIS,) to strike out the words "*moral or religious*," may not prevail. Strike out the words in the resolution, as proposed sir, and it is mutilated. It would not meet the case fully as it is presented.

THURSDAY, January 4.

Mr. Calhoun's Resolutions.

The Senate having resumed the consideration of the resolutions offered by Mr. CALHOUN, the third of the series being before them,

Mr. NORVELL rose to move that so much of the third resolution of the honorable Senator from South Carolina, (Mr. CALHOUN,) as pledged this Government to give "increased" stability and security to the domestic institutions of the States, and as pronounced it to be its duty to "strengthen" them, be erased from the resolution. It would then read: "that this Government was instituted and adopted by the several States of this Union as a common agent, in order to carry into effect the powers which they had delegated by the constitution for their mutual security and prosperity; and that, in fulfilment of this high and sacred trust, this Government is based so as to exercise its powers as not to interfere with the stability and security of the domestic institutions of the States that compose the Union; and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions."

Slavery in this country was entirely a domestic question. Congress could not touch it. The States in which slavery was still tolerated had never, even by implication, given up any portion of their exclusive power over the whole

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subject. They could not, with any regard to their own safety, permit it to be drawn into question by their sister States, or by the General Government. It was not a subject open to discussion with a view to legislation anywhere but in the States recognizing and suffering the existence of slavery. Nor could Congress, in his opinion, either constitutionally, or consistently with the public faith, abolish it in the District of Columbia, unless the people of the District desired it, and petitioned for it. The District was ceded to Congress by the States of Virginia and Maryland, on the condition that the rights of private property, as before existing, were to be held sacred; and the United States received the cession upon that condition. The power granted to Congress, to "exercise exclusive legislation, in all cases whatsoever, over the District," conferred no authority to violate the public faith, or to take from its inhabitants their property without their consent. It simply and clearly meant, that legislative powers could be exercised by no other body than Congress over the District. It meant no more. It did not mean that Congress could pass any law dictated by its arbitrary will and pleasure, in violation of the right of property, or of any other right asserted in the acts of cession to the United States. If Maryland and Virginia had imagined that this question would have been here raised, they would never have ceded the District.

But taking views, as he did, of the subject, he could not agree to confer upon this Government, by implication, any right to give *increased* stability, security, and strength to the domestic institution of slavery in any of the States. He was not willing to pledge this Government so to administer its affairs as at all to interfere, on one side or the other, with a subject which the constitution had not confided to it. The South cannot desire this. All that the South asks on this subject is to let her alone. To this extent he would cheerfully pledge the Government. He would commit it, mind and soul, to sustain the constitution as it was; to protect the institutions and the interests of every part of the Union, so far as its constitutional powers would authorize it to go for that purpose. The resolution, amended as he proposed, was strong enough.

MR. CALHOUN entertained every sentiment of respect for the feelings of the Senator from Michigan, (MR. NORVELL.) He believed his feelings were sound throughout, and were based upon sound policy. He begged leave to state his reasons for inserting the words "the several States," etc. It was his belief that in many things it was admitted by the General Government that the States had separate, distinct, and vested constitutional rights. In this belief and understanding, there had so long existed a general good feeling between the two Governments, their acts were in all things correlative, and were, so far as they acted together, promoting individual and confederative rights, by

which course of action each ever strengthened the other, and tended to produce union and harmony throughout; and, what was more, it tended to uphold the domestic institutions of the States.

Every one must admit, continued Mr. C., that the quarantine laws were wholly under the State control, while the laws of commerce were controlled wholly by Congress; yet the two were inseparable, and each depended upon the other. Congress never claimed a right to interfere in the regulation of one branch, nor did the Government of the several States deny the jurisdiction of the United States over the other.

During the French Revolution, an insurrection broke out in the French colony of St. Domingo among the blacks. There was a danger of intercourse and interference of the blacks on the island and those of our States. To prevent this, State laws, prohibiting such intercourse, were passed. These laws were sanctioned by Congress.

There was a strong analogy in this case to the one now under discussion. Congress had here passed laws distinctly to meet the views of the States. In farther illustration he would cite the laws and regulation of the port of Charleston: his position was here still more strengthened. He alluded to the prohibition of black sailors on board vessels trading with that port. Congress had yielded and fully assented to the provisions of the law, and even the British Government had assented, and acknowledged the propriety of such enactments and regulations. Having said this much, for the purpose of convincing his friend from Michigan, (MR. NORVELL,) he should look with the greatest confidence for his vote in support of the resolution, without his proposed amendment.

MR. NORVELL responded, that yesterday the Senator from South Carolina had expressed a desire to transfer this whole Abolition war to the North and the North-west; a belief that *there* was to be the great battle-ground of the conflict. Could that honorable Senator then wish to weaken the hands, to impair the moral vigor, of those who were to fight that great battle for the safety of the South, and the preservation of the Union? This he would do, if he were to persist in requiring us to lend our aid to "increase" and "strengthen" the institution of slavery. The Senator had alluded to the perfect beauty and harmony of our system as it was. For this very reason was it, that the amendment had been proposed. It was to preserve, not to mar the harmony and beauty of our system, that this Government should not be required to go beyond the maintenance of the domestic institutions of the States as they exist and are protected by the Federal Constitution. The Senator had illustrated his views, by adducing special cases in which the Government had by law interfered to sustain and strengthen the health laws of the States, and to protect the South against the effects of the agi-

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tation in St. Domingo, some years ago. That was all proper; it was constitutional; but the illustrations did not sustain the general proposition contained in the resolution.

Mr. PRESTON said: The resolution in its present shape, asserts that the General Government is bound to protect the domestic institutions of the several States. This ground he never wished to assume. The States should be suffered to maintain and protect their own rights, and their own institutions. The General Government was rather, in his opinion, bound, from its very nature, *not to intermeddle with these rights*, but strictly, and in every instance, *to keep hands off*. To illustrate his argument he would revert to some few of these institutions in various quarters. One of the greatest and most important domestic institutions of Maryland was the State Colonization Society. It was a State corporation. Would his colleague wish to see the direct action of Congress to support this institution? Would there not be as many conflicting sentiments on the subject as upon that of domestic slavery? The great manufactories of the North are incorporated, and have vast amounts of funds invested; should these be either directly protected or invaded by Congress?

He would admit that Government might by its action contribute to establish proper security to State institutions, so far as is consistent with the constitution, and with State rights and enactments, and the constitutions of the States, but no further.

Mr. CALHOUN was willing to assent to the amendment, if it was the wish of the Senate to do so. He would make any concession to meet the views of those opposed to the doctrine of Abolition, in order to get a strong vote in favor of the general doctrines set forth in the resolutions.

Mr. PRESTON followed in support of the opinions he had expressed in favor of the amendment.

Mr. HUBBARD said: The avowed purpose of the Senator from South Carolina was, that the Senate should express, by resolution, as their deliberate opinion, that any interference on the part of any section of the Union, or any intermeddling of any portion of the community, under any pretext whatever, with domestic slavery as it exists in the Southern States, with a view to its *alteration or subversion*, would not only be grossly unjust, but a course of proceeding not warranted by the constitution. This was the declared object of the Senator, and to all this he most readily yielded his assent.

He need not assure the Senator from South Carolina, that no man was more willing than himself to carry out such a purpose—and most cheerfully would he support any resolution drawn out in the strongest terms, and in the most forcible language, fully to express such a sentiment. He did not agree with Senators who thought nothing was to be gained by the adoption of these resolutions. *Much, very much,*

in his judgment, would be accomplished by agreeing to the resolutions (with some amendments) which had been offered by the Senator from South Carolina. If this did not go far enough as the Senator from South Carolina (Mr. PRESTON) expressed—if they would not inspire confidence and give security in the South, he firmly believed that their adoption would be productive of much good in the non-slaveholding States. He represented on this floor, with his respected colleague, one of those States; and he could not doubt that the adoption of these resolutions substantially, would tend to allay in that quarter, the spirit of Abolitionism—would be a direct appeal to the intelligence and to the patriotism of the free citizens of the North; and he could not for a moment doubt that they would have a controlling influence upon the course and conduct of the Abolitionists themselves. If the adoption of that resolution would not directly influence the action of the Abolitionists, they could not fail to produce a powerful effect on public opinion; and through the influence of popular sentiment would this fell spirit of fanaticism be stayed. He was therefore prepared to go with the Senator from South Carolina in carrying out the purpose avowed. But, while he was thus prepared to give his support to the resolutions of the honorable Senator—believing, as he conscientiously did, that their adoption would do good at home—he could not agree to the adoption of the third resolution, as the Senator had drawn it. It went further than he was willing to go. His doctrine had been, ever since he had been a member of Congress, that it was the bounden duty of the North “*to let the whole matter alone*.” That the institution of domestic slavery, as it existed in the Southern section of the Union, was no concern of theirs. He would suggest an alteration in the first paragraph of the resolution, not that it was objectionable to himself as it was; but the alteration, he was satisfied, would make it more acceptable to some of its friends. He would have that part of the resolution read—“that this Government was instituted to carry into effect the powers delegated by the constitution for the mutual benefit and prosperity of the States.”

He would not press this alteration, but he was assured that it would be more acceptable to some friends in that form. It would receive his support, whether altered or whether it remained unchanged in this particular; but he felt a great solicitude to have the amendment proposed by the Senator from Michigan adopted. Such would be the import of the resolution, without the amendment, that *he could not* (friendly as he was to the object) vote for it. The resolution declares, in substance, “that this Government is bound so to exercise its powers *as to give, as far as may be practicable, increased stability and security to the institution of domestic slavery*; and that it is the solemn duty of the Government to resist all at-

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tempts to weaken or destroy, but is bound to strengthen and to uphold the institution of domestic slavery." He was sure that the Senator from South Carolina could not ask this at his hands.

Mr. PRESTON inquired how the resolution would read were the amendment adopted?

Mr. BUCHANAN remarked, "*Exactly right.*"

Mr. CALHOUN announced his full assent to the amendment.

Mr. SMITH, of Indiana, moved the following as a proviso to the third resolution, on which he asked the yeas and nays:

"*Provided*, That nothing contained in these resolutions shall be construed or understood as expressing an opinion of this Senate adverse to these fundamental principles of this Government, 'That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That the freedom of speech and of the press, and the right of the people peaceably to assemble to petition the Government for redress of grievances, shall never be abridged. That error of opinion may be tolerated while reason is left free to combat it. That the Union must be preserved.' But, on the contrary, all those constitutional, fundamental, and political truths, are expressly recognized by this Senate."

Mr. CALHOUN expressed his regret that the Senator from Indiana should attempt to embarrass the passage of the resolutions, by the introduction of an abstract proposition, not relevant, and not calculated to have any salutary effect. If the resolutions were incorrect in principle, vote them down; but, on the contrary, if they were based on proper constitutional ground, why not sustain them in a crisis like the present, which all must admit to be dangerous to the best interests of the Union.

Mr. SMITH, of Indiana, denied that he had ever on any occasion, in that or any other body, sought to do by indirect means what he could do directly. He said, if the proviso was but an abstraction, as it had been named, the resolution itself was no more; one abstraction was surely as good as another; and if the Senate is to be engaged in building up abstractions, those which he now offered were too important to be overlooked; they were the abstractions of Washington and Jefferson, and might be safely deemed as worthy of attention as the more modern ones of present Senators.

Mr. CALHOUN observed that he had said nothing of the truth or error of the principles contained in the proviso, but had simply entered his protest against its being attached to his resolutions. Was there any thing in his resolutions that infringed the right of speech or the freedom of the press? When that was aimed at, it would then be time to make the objection. He had said before, and would repeat it, that the only object was to have a common ground on which all might stand, North as well as South, to repel aggression.

Mr. YOUNG, of Illinois, said: The Senator from South Carolina, (Mr. PRESTON,) in speak-

ing of the domestic institutions of the South, and especially in regard to slavery, says "*hands off*" as to the slave-holding States, and they will take care of themselves. He not only denies the power of the General Government to secure and protect the State institutions in every case, and under every variety of circumstances, but solemnly protests against its exercise, as an unwarrantable and uncalled-for interference. Now, sir, I will ask the Senator what construction he gives to the third clause of the second section of the fourth article of the constitution, which provides that "*no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due*?"

Suppose the act of 1793, passed in pursuance of this provision in the constitution to enable owners to reclaim their fugitive slaves, should be repealed; that the General Government should, in accordance with the opinion of the Senator, act upon the principle of "*hands off*" in future; and one of the slaves of South Carolina, owing service under the laws of that State, should escape into Pennsylvania or Ohio, and should be protected there, in what way would the honorable Senator reclaim him? Would he march an army against the offending State, and make recapture *vi et armis*—with force of arms? Surely not, sir. But, Mr. President, I believe, upon reflection, that the Senator did say something about his remedy, and that remedy, if I mistake not, was to *hang* the offender if caught within their borders. I deny, sir, that any power exists in any of the States to punish even Abolitionists for supposed offences committed in any other State. The same constitution which secures to the slave-holder the right of going into a non-slaveholding State to recover his fugitive slave, equally protects the Abolitionist in the privilege of going into a slave-holding State, if he chooses to do so, provided he commits no offence against the laws of such State during his stay within its limits. It has been denied here, again and again, that the Abolitionists have any designs upon the institution of domestic slavery in the States. I am astonished that the Senators from these States should not have detected, and exposed in a proper manner, one design at least, of a highly important character, which, if not checked and rebuked in time, is calculated to inflict a fatal blow upon the peace and prosperity of this Union. I understand, sir, that under that clause in the constitution to which I referred as providing a remedy in cases of fugitive slaves, the Abolitionists contend that it is the rightful province of the *State Legislatures*, and *not of Congress*, to provide that remedy; and that, acting under this supposed influence, one at least of the State Legislatures (that of Massachusetts) had already interfered so far as to provide for a trial by jury in such cases. I would inquire of the honorable Senators from

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that State (Messrs. WEBSTER and DAVIS) whether such is the fact or not?

[Both the Senators having denied all knowledge of any such law or proceeding, Mr. YOUNG proceeded:]

Then, Mr. President, I have been misinformed in relation to this matter; and many of the Abolitionists who would not intentionally mistake the truth, have also been misinformed and imposed on; for such has been the belief. But, sir, this much I know of my own knowledge, that Abolitionists are required to circulate memorials addressed to their State Legislatures, requesting the passage of laws to secure the trial by jury, under State authority, in all such cases. I handed to the Senator from South Carolina (Mr. CALHOUN) a few days since a paper containing the form of one of these memorials, which was given to me by a professed Abolitionist, (and who is, in my opinion, in all other respects, a Christian and a worthy man,) as containing an exhibition of their principles, motives, and actions, by which it will be seen, that a direct attack is in this way intended against that leading principle in the constitution, which alone secures the possession and enjoyment of this great interest of the South. And yet the Senator from South Carolina (Mr. PRESTON) says "*hands off*"—that they want none of our interference from the free States. Then, Mr. President, why are these resolutions here? Why are we of the free States solicited to participate in their consideration, and finally to vote upon them, if the South requires no aid at our hands? Sir, we too are interested in settling great constitutional questions; and being interested, will exercise our privilege of debating these propositions, if we choose to do so, and of voting afterwards in such manner as our judgment may direct for the good of the whole. Sir, I desire, under existing circumstances, that this provision in the constitution, and the construction now put upon it by the Abolitionists and their advocates, may not be overlooked.

Mr. PRESTON expressed some doubt in regard to such help as the Senator just up had proposed. If the Government should not protect the interests of the South in accordance with the constitution, they would take care of themselves. The gentleman had admitted that a slave could not be recovered by an abolition jury in Pennsylvania, or other non-slaveholding State; and yet he demanded that the General Government should extend its protection to incendiaries within the slave-holding States.

Mr. ALLEN said it appeared to him there was a general disposition on the part of the Senate to have this discussion as limited as possible, and it was therefore a source of regret to him to observe the attempts made to embarrass these resolutions in their progress. He had determined to offer, after the resolutions had been passed, the following amendment, to be appended:

"That nothing in the foregoing resolutions is in-

tended to recognize the right of Congress to impair in any manner the freedom of speech or of the press, or the right of petition, as secured by the constitution to the citizens of the several States, within their States respectively."

But the course taken by the Senator from Indiana would induce him to move it as an amendment to the proviso, to strike out all after the word "*provided*," and insert what he had just read.

Mr. CALHOUN was willing to yield every inch of ground that he could, to fortify those who saw the danger that was pending, and wished to meet it in a proper manner. He could have wished his resolutions to have passed as he originally drafted them; but that spirit of concession which he felt under the responsibility he had assumed, would induce him to vote for the amendment of the Senator from Ohio, (Mr. ALLEN,) because not adverse to the spirit of his resolutions, and because it might have a tendency to reconcile others not otherwise disposed to sustain them.

Mr. MORRIS, adverting to remarks which had been made relating to the punishment of Abolitionists by State laws, said he regarded this and other similar doctrines which had been advanced in this debate, as subversive of all freedom, and of the institutions of the country. He insisted that all classes of men had an imprescriptible right, above all government, to the freedom of speech and the right of petition. He repelled the imputation that those who were unfriendly to these resolutions were in any way unfriendly to the Union.

Mr. M. proceeded to defend the right of all men to trial by jury, which right, he insisted, was expressly guaranteed by the constitution. And if the right to trial by jury belongs to every citizen, on what pretext could a free State deny this right to any man within such State? Could the State deny it on pretext of color? Or could it be denied or refused on account of the oath of another man who might swear that any other man was his property?

FRIDAY, January 5.

Mr. Calhoun's Resolutions.

The question being on Mr. ALLEN's substitute for Mr. SMITH's proviso to the third resolution, which substitute required that the resolution should not so be construed as in any way to impair the freedom of speech or of the press or the right of petition—

It was adopted by the following vote:

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Ala., Clay of Ky., Crittenden, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Con., Southard, Strange, Walker, White, Williams, Wright, Young—32.

NAYS.—Messrs. Bayard, Black, Clayton, Davis, Knight, McKean, Morris, Prentiss, Robbins, Ruggles, Smith of Indiana, Swift, Tipton, Wall—14.

Mr. MORRIS offered an addition to this reso-

lution, declaring that the right of the people to speak, write, print, and publish any thing whatever, was indisputable; and that they were amenable only to the State in which they might be at the time.

MR. CALHOUN said: Mr. ALLEN's amendment covered the whole constitutional ground on this subject; and Mr. C. had made up his mind to accept it on this ground, that it would tend to fortify the Senators of the North, in relation to their votes in favor of these resolutions. He was willing so to fortify them; and he would agree to any amendment which would not impair the principles of the resolutions.

MR. MORRIS was not to be intimidated, or driven from the course which he thought it his duty to pursue, by an allusion of an intention to embarrass this body or any other. He, as well as the Senator from South Carolina, knew what he was about, and understood his own course; and he would be here free and unshackled, and exempt from all party restraints, as an American citizen ought to be, and would express freely and fully his opinion on every subject before this body. Sir, said Mr. M., am I at liberty to say what was intended by the resolutions of the Senator?

The CHAIR said, to do so was out of order.

MR. M. said he would not then suppose that the resolutions themselves were intended for greater and more remote objects than those expressed; but it was legitimate to speak of the objects to which they must and would lead. In the arguments here on the liberty of speech, changes were continually rung on the Union. Now it was a question whether the resolutions themselves had not a strong squinting to a dissolution of the Union. It was not for Mr. M. to say that they were intended to produce that effect, but they would be judged of; and whether or not they went to establish the doctrine that the States were independent of each other, Mr. M. would not now fully discuss; but he believed they would operate to confirm that doctrine. The question was, whether the doctrines of Mr. M.'s amendment were true. Was the right of a citizen indisputable to speak, write, print, publish, on the laws and institutions of other States? I say it is so; it is the right of every citizen. If that right is put down by the laws of the country, I must submit to those laws, and I ask now that I may know what liberty they will leave me. I desire to know this by the vote on my amendment, and I hope that the question will not be evaded, that I may know how much I am to be abridged of these privileges.

MR. SMITH, of Indiana, said, when he offered the amendment he intended merely to record his vote, leaving other Senators to discuss the matter. Nor should he now be driven from the course he had originally marked out for himself, was it not for the remarks of the Senator from South Carolina, (MR. CALHOUN.) That Senator had thought proper to intimate that he (MR. S.) had moved the amendment for the pur-

pose of defeating the resolutions by indirection. He would say to the Senator that he had wholly mistaken the character of the mover of the amendment. He could assure the Senator that he would never resort to indirection to defeat any measure. He feared no other responsibility than that which he was to meet in his State, in the discharge of his public duties; and even there he had no hesitation in believing, that in this instance he was representing the wishes of an overwhelming majority of the people. The Senator had objected to the amendment on the ground that it was a collection of mere abstractions. Sir, can the Senator be serious? What are his whole resolutions but abstractions? Have there been any petitions or memorials referred on the subjects embraced in the resolutions? Were the resolutions reported by a committee? Was it intended by the mover to ingraft any legislative enactment upon them? No, sir; they are the mere abstract effusions of the mind of the gentleman himself; and yet the Senator objects to the amendment because it expresses abstract opinions. Sir, if the Senator gives us one-sided abstractions, can he object to be met by abstractions on the other side? If abstractions are to be resolved here, let us have the whole of them; let us not affirm a part of a creed, and not the whole.

He was opposed to the whole matter; he could see no good that could possibly grow out of these resolutions, and they may do much harm. He was willing to leave the constitution and its exposition with the people; it was plain enough for him, and he would say to the mover of these resolutions, that if that instrument did not give the necessary security to the domestic institutions of the States, no resolves of this body as to the extent of the powers conferred by it could do it. The Senator from South Carolina, in answer to some remarks of the Senator from Ohio, (MR. MORRIS,) had stated that he did not intend to abridge the freedom of speech or of the press by the resolutions, and that Senator, a few minutes ago, stated that he admitted the truth of the principles contained in the amendment he (MR. S.) had offered; if he was mistaken in the admissions of the Senator, he would correct him.

[MR. CALHOUN said he had neither denied nor admitted their truth.]

Then, said Mr. S., it is important that the Senate should either deny or admit them. The Senator says that the amendment is intended to overthrow his resolutions by *indirection*. Does not the Senator see that he admits away his whole case, that his argument proves too much? For, if the amendment be true, and if the principles contained in it are orthodox, and if, as the Senator admits, they are antagonistical to his resolutions, it follows of course that the resolutions cannot be correct in principle. If the two, the amendment and the resolutions, cannot stand together, which must fall? The first part of the amendment was copied from the Declaration of Independence. Is it possible, at

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this day, that the memorable and glorious declaration of those departed statesmen and heroes, which stimulated the people of the infant colonies to deeds of glory and renown, and which has been thought worthy to form a part of the constitution of the several States, is it to be set aside by the Senate of the United States, to give place to the new-fangled doctrines of the Senator from South Carolina? The next provision of the amendment was copied from the first section of the amendment to the Constitution of the United States. The principles contained in it were considered so important, that it was thought necessary to incorporate it in the constitution by an amendment, as it was omitted in the original. Are these principles also to be set aside, denied, repudiated, abrogated, and contemned by this Senate, because, forsooth, they are antagonistical to the resolutions of the Senator from South Carolina? These, with the next provision in the amendment, which was copied from Mr. Jefferson's inaugural address, are altogether worthy of the high source from which they emanated; they are just such principles as freemen must cherish. They recognize the doctrines for which the patriots and sages of the Revolution contended in that glorious struggle. The equality of man, the freedom of the press and of speech, the right to assemble together in a peaceable manner to consult on their common good, and to petition the Government for redress of grievances, tolerating error of opinion, but leaving reason free to combat it—"error of opinion may be tolerated, while reason is left free to combat it." Yes, sir, error of opinion is not, in this country, to be met or put down by the resolutions and opinions of this body alone, unless our acts are seconded by public opinion. Sir, these declarations of the sage of Monticello should have a resting-place, and should be nourished in the hearts of his countrymen. Yes, sir, combat error of opinion by reason, not by gag laws, not by mobs, not by inquisitions, not by establishing censorships over the press, not by abridging the freedom of speech, but by reason, holding the parties responsible for the abuse of all these privileges, or rather rights, to the party aggrieved; and then the question, what are and what are not errors of opinion, must be left to the final arbiters—the people, where they *must* be left in every country where liberty dwells. The last clause of his amendment was the celebrated saying, he believed it was a toast on a public occasion, of ex-President Jackson, "the Union, it must be preserved." He (Mr. S.) had called this a political truth in the amendment. Was he mistaken in the character he had given it? He believed not. He was satisfied that it was not only a political truth, but it was a truth that met the hearty approbation of every sane mind in the nation; and, while the Senator from South Carolina is pressing his resolutions—in almost every one of which a reference is made, in some shape or other, to the possibility of weak-

ening or destroying the Union—is it not proper, nay, more, is it not *demand*ed, of this body, to reaffirm that most *vital* political truth, "the Union *must* be preserved?" Yes, sir, if we resolve any abstractions, how can we do less than to point our countrymen to these truths, and to say to them, in the name of our country, *Liberty and Union are one and inseparable, now and forever*. Why do Senators object to its adoption? Why not let the whole go to the people together? Are gentlemen afraid to trust them? If our opinions on these abstract questions are worth any thing to the people, let us give them the whole of this matter. He, for one, was not afraid to trust them.

The Senator from Delaware (Mr. BAYARD) had in part torn the mask from the first one; he had clearly shown that it embodied the principles of nullification as they are understood in the State from which the mover came. He (Mr. S.) entirely concurred in that opinion. But that was not the only principle involved in the resolutions to which he objected. In his mind it was clear that they strike at the freedom of speech and of the press, and the right of the people to assemble peaceably to consult their common good, and to petition their Government for redress of grievances. It will be seen by Senators that they deny the right of the States to "intermeddle" with the domestic institutions of the other States. Now, sir, what does the word "intermeddle," as it is here used, mean? Does it merely mean that the people of the free States have no right to go into the slave-holding States and excite an insurrection, or otherwise interfere with that domestic institution? If so, it had his most hearty approbation. But if the meaning was, as he believed it to be, that to speak, write, print, or petition, in the free or non-slaveholding States, on any subject connected with slavery, is "intermeddling" with that institution, then he put it to gentlemen to say whether the constitutional, fundamental, and political truths contained in his amendment were not directly controverted by the resolutions.

Sir, these resolutions contain all the principles of the alien and sedition laws, known as the gag laws of the elder Adams, in a much more odious form. The pretext for the enactment of those laws, history tells us, for his age prevented him knowing any thing personally of the matter, was, that the Government and its officers had been maliciously and wantonly assailed in meetings, in speeches, through the press, by caricatures and otherwise; that the people were instigated and moved by foreign emissaries hostile to our Government; that it was calculated to bring the Government and its officers into disrepute with the people, and weaken, if not eventually destroy the Union.

What was the ground, Mr. President, occupied by the Jeffersonian party of that day? It was the very same which has been so frequently quoted, and which Mr. Jefferson perpetuated by incorporating in his inaugural address, "er-

ror of opinion may be tolerated while reason is left free to combat it." What is the pretext for these resolutions? The same, the very same that produced the gag laws. If the freedom of speech is tolerated, if the freedom of the press is not abridged, if the right of petition is not silenced in the non-slaveholding States, if the people in these States speak, write, print, assemble or petition on any subject connected with slavery, they are "intermeddling" with the domestic institutions of the South, and fall within the denunciations of these resolutions, on the assumption that the Union is endangered, by arraying one people against another. Look at your leading party presses everywhere: do they not publish daily inflammatory, and, not unfrequently, false matter, calculated to array the people against each other, and, in the language of these resolutions, to weaken the Union? And yet who is prepared to establish a censorship over the press? He would not say who, but he would say, that in his opinion, the resolutions under consideration assert the principle in terms not to be misunderstood. He (Mr. S.) was asked why he had offered the amendment? He had many reasons for introducing it. He would give a few of them; first, because he wished the antidote to go with the poison; if either was to be sent forth as the doctrines of the Republic. Secondly, because the principles contained in the amendment were such as he loved to recur to and cherish. Because he had some anxiety to ascertain whether the ancient landmarks were still left standing amidst the revolution of parties, or whether they had been erased by the political tornado that has swept over the land; whether he had read the Declaration of Independence, the Constitution of the United States, and the history of his country in vain; whether those doctrines and fundamental principles have become too old-fashioned for the times, and whether he had to study a new political creed before he could discharge his duty to his State and the nation here. Senators favorable to the resolutions have been pleased to express their regret that the amendment has been offered. To those gentlemen he had only to say that he regretted the introduction of the resolutions as honestly as they regretted the introduction of the amendment; he would, therefore, with the consent of Senators, set off his regret against theirs.

Mr. BENTON thought the whole subject had better be referred to a Select Committee, with instructions to report at some future day; premising, at the same time, that the committee should be chosen chiefly of Senators from the North, where, to his view of the question, the brunt of the action would necessarily have to be fought.

Mr. CALHOUN hoped the motion would not succeed. Much progress had already been made in the discussion. Should the motion prevail, he would consider it but a mode of getting clear of the resolutions. He had offered them as the antagonist of the Vermont res-

olutions, and to ascertain whether, in the opinion of the Senate, there was any constitutional ground adequate to resist the assaults on our rights and property, on which the slaveholding States could stand. The discussion had clearly shown that there was none other. On the right of rejecting abolition petitions, although, in his opinion, one of the clearest that can be imagined, we of the South were, unfortunately for the peace of the country, in a minority. So, also, on the question of the constitutional right of abolishing slavery in this District and the Territories, and also on every other particular question which has been attempted to be raised on constitutional grounds, as a barrier to our rights and security. What remains, then, short of taking our protection into our own hands, but to find some barrier in the general character and structure of our political system? and where can we find that but in the view of the constitution, which considers it as a compact between sovereign and independent States formed for their mutual prosperity and security? If we required proof that these resolutions assumed the only constitutional ground which could give peace and quiet to the country, and security to the South and West, it would be found in this debate. He had challenged, again and again, those who took a different view of our system, to point out where protection could be found in the constitution according to their conception of that instrument. None had been, or even attempted to be, shown. It would, then, be in vain to refer the resolutions, to discover some new principle in the constitution calculated to effect the object for which they were introduced. Nor would it be more useful to refer them, to modify the language or the details. They were abstract resolutions, involving little or no details, and he had again and again avowed his readiness to make the language acceptable to all, as far as it could be, without sacrificing the principles on which they rest; of which he had given already abundant proof, and was prepared to give additional. But the Senate must remember that the difficulty heretofore encountered did not originate so much in any objection to the principles of his resolutions, nor to the details, or any peculiar expression, as the desire to ingraft additional matter entirely foreign to their nature or object, and the consequence of which would be to obstruct their passage, or to neutralize their effects if they should pass. This difficulty could not be avoided; and a reference, so far from diminishing, would but tend to increase it.

Thus thinking, he was constrained to conclude that a reference would be fatal to the resolutions, be the object of the mover what it might; and, with this impression, should the motion succeed, he would leave them to their fate; and, like the mover, he would decline acting on the committee should he be appointed a member.

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of his resolutions, and calling a rally at this solemn and dangerous juncture of that great, though in a measure dormant, party, which has ever professed the State rights creed, he did not intend to imply that gentlemen opposite to him, or the party to which they belong, were Abolitionists, or disposed to countenance their creed. On the contrary, he believed that the great mass of the party was sound, and adverse to the dangerous projects of the fanatics; but candor compelled him to declare that he could not look to them in this hour of danger. We had their good wishes, it is true. They were even willing to vote it inexpedient and dangerous to agitate the subject; but when we touched the constitution, and asked them what barrier, according to their conception, that instrument contains against their incendiary and mad projects, they are silent. Their political creed not only admits of none, but, in fact, rouses into action that dangerous spirit of fanaticism which threatens to subvert our institutions. It is this responsibility for what they deem our sins, which has roused this fell spirit into action; and the conception of their responsibility originates in that mistaken conception of our system, which regards it, not as it really is—a union of States for the mutual good and security of each, but a great and consolidated community, in which the States bear the same relation to the whole as counties do to States; and, of course, in which the whole is responsible for all the parts. This is no new opinion with him. He long since foresaw, before this spirit was roused into action, that this false and dangerous view of the constitution would, one day or another, lead to the state of things in which we now find ourselves, and so told the Senator from Massachusetts, (Mr. WEBSTER,) when he advocated his consolidation doctrines in the discussion on the force bill, in 1833, that such would be the consequence, as he must remember.

Thus thinking, the gentlemen opposite must excuse him, if he could not, in the hour of danger, look to them. He thanked them for their good feelings, and he accepted their avowal of opposition to abolition with all sincerity; but he wanted something more substantial; something that would not pass away with the present incumbents; some constitutional barrier and guaranty; and for these he was constrained to look to those who professed the opposite political creed. How little reliance we can place on those who take the view of the constitution they do, this debate has furnished ample proof. The Senator from Indiana has been among the most forward to disavow abolition sentiments, and to express his good wishes for us and our institutions, of the sincerity of which he (Mr. C.) had no reason to distrust; and yet, while he makes these avowals, he moves amendments to these resolutions, which are intended to exhibit the strength of our cause, in the very language of the perverted creed of the abolitionists, and in which, if

he had succeeded, he would, in fact, not only have neutralized all the intended effects of the resolutions, but would have given a triumph and a new impulse to those whose objects he denounces, and to whom he professes to be so much opposed.

I fear (said Mr. C.) that the Senate has not elevated its views sufficiently to comprehend the extent and magnitude of the existing danger. It was perhaps his misfortune to look too much to the future, and to move against dangers at too great a distance, which had involved him in many difficulties, and exposed him often to the imputation of unworthy motives. Thus he had long foreseen the immense surplus revenue which a false system of legislation must pour into the Treasury, and the fatal consequences to the morals and institutions of the country which must follow. When nothing else could arrest it, he threw himself, with his State, into the breach, to arrest dangers which could not otherwise be arrested; whether wisely or not, he left posterity to judge. He now saw with equal clearness, as clear as the noon-day sun, the fatal consequences which must follow, if the present disease be not timely arrested. He would repeat again what he had so often said on this floor. This was the only question of sufficient magnitude and potency to divide this Union, and divide it it would, or drench the country in blood, if not arrested. He knew how much the sentiment he had uttered would be misconstrued and misrepresented. There were those who saw no danger to the Union in the violation of all its fundamental principles, but who were full of apprehension when danger was foretold or resisted, and who held not the authors of the danger, but those who forewarned or opposed it, responsible for consequences. But the cry of disunion by the weak or designing has no terror for him. If his attachment to the Union was less, he might tamper with the deep disease which now afflicts the body politic, and keep silent till the patient was ready to sink under its mortal blows. It is a cheap, and, he must say, but too certain a mode of acquiring the character of devoted attachment to the Union. But seeing the danger, as he did, he would be a traitor to the Union, and those he represented, to keep silence. The assaults daily made on the institutions of nearly one-half of the States of this Union by the other—institutions interwoven from the beginning with their political and social existence, and which cannot be other than, without their inevitable destruction, will and must, if continued, *make two people of one*, by destroying every sympathy between the two great sections, obliterating from their hearts the recollection of their common danger and glory, and implanting in their place a mutual hatred, more deadly than ever existed between two neighboring people since the commencement of the human race. He feared not the circulation of the thousands of incendiary and slanderous publications which were daily

issued from an organized and powerful press among those intended to be vilified. They cannot penetrate our section; that was not the danger; it lay in a different direction. Their circulation in the non-slaveholding States was what was to be dreaded. It was infusing a deadly poison into the minds of the rising generation, implanting in them feelings of hatred, the most deadly hatred, instead of affection and love, for one-half of this Union, to be returned on their part with equal detestation.

The first and desirable object is to arrest it in the non-slaveholding States; to meet the disease where it originated; and where it exists; and the first step to this is to find some common constitutional ground on which a rally, with that object, can be made. These resolutions present the ground, and the only one, on which it can be made. The only remedy is in the State rights doctrines; and, if those who profess them in the slave-holding States do not rally on them, as their political creed, and organize as a party against the fanatics, in order to put them down, the South and West will be compelled to take the remedy into their own hands.

Mr. President, (said Mr. C.,) we are reposing on a volcano. The Senate seems entirely ignorant of the state of feelings in the South. The mail has just brought us intelligence of a most important step taken by one of the Southern States in connection with this subject, which will give some conception of the tone of feeling which begins to prevail in that quarter.

A slave was kidnapped or stolen by some persons belonging to a trading vessel from the State of Maine. The Governor of Georgia demanded a surrender of the fugitive criminals, (for such they are, be their motive what it may,) under the constitution, from the Governor of Maine. It was not complied with. The Governor of Georgia brought the subject before the Legislature. They have, as he understood, acted on it, and unanimously passed resolutions on the subject, and, among others, one, if the surrender of the fugitives be not made, after another and more solemn demand, providing for the convening of the people of Georgia, in their high sovereign capacity, as a member of the Union, to take the subject into their consideration. All who know that State, know that when she moves she intends no idle menace.

With these views and facts, I leave it now to the Senate to decide whether the time has not arrived when they ought to say what attitude they ought to assume in relation to this, the most momentous and dangerous question that has ever agitated this Union. As to himself, he has done his duty. He has raised his warning voice, regardless of the unworthy imputations to which he knows he exposes himself. He has presented the result of his most mature and deliberate reflection, in order, if possible, to prevent the conflict between the two great sections, which any one capable of reflection must see is

approaching, and must take place, if not arrested. He has done his duty. Let what may come, he wishes to free himself from all responsibility in the eyes of the country and the world, and of the present and future generations. He was not sanguine, he must say, of the success of the measure, even if it should be adopted. He had presented it as the most likely to do good, and in the desire to do any thing that promised in the least to avert the approaching catastrophe, which he was most anxious to avoid. Should the motion prevail, he would take no further control or responsibility, which would then, of course, rest on those who may take the resolutions into their own hands.

Mr. BUCHANAN, of Pennsylvania, had determined this morning to move a reference of these resolutions to a Select Committee, but was dissuaded. This motion has now been made by another gentleman, (Mr. BENTON,) and I am called upon to vote either for or against it. As I am still clearly of opinion that an immediate reference of these resolutions to a Select Committee would, under existing circumstances, be the wisest course, whether we regard the interest of the North or the South, I am prepared to give this motion my hearty support.

On this exciting question I desire to do nothing as a member of this body which can, in the slightest degree, interfere with the constitutional rights of the slave-holding States. My fate as a public man is as deeply staked upon the preservation of these rights as that of any other individual in the country. I have long since taken my stand, and from it I shall not be driven. I do not desire to maintain myself at home, unless I can do it with a due regard to the rights and the safety of the people of the South. I am prepared, therefore, to adopt any just measure, within the pale of the constitution, to settle this dangerous question, and to afford the greatest security to the slave-holding States. Notwithstanding these are my sentiments, I cannot believe that the Senator from South Carolina has chosen the course best calculated to attain these results. This is the great centre of agitation. From this capitol, it spreads over the whole Union. I therefore deprecate a protracted discussion of the question here. It can do no good, but may do much harm, both in the North and in the South. It was for this reason that, after the right of petition had been recognized by a solemn vote of this body, I was content to act as we have done for the last two years, and leave the questions to be discussed by the people of the country themselves. We have now abandoned this safe, this prudent course, and what has been the result? For the last three days we have been engaged in a discussion eminently calculated to irritate and inflame the public mind; and as yet we have not adopted the third of the series of resolutions. If we proceed, I shall be agreeably disappointed if another week should close this debate. And what shall we gain by the

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adoption of these resolutions? Nothing; worse than nothing. Those who look to the votes upon them, as the standard by which to ascertain how many are in favor of, and how many opposed to, their main object, will be greatly mistaken. Some thirteen or fifteen votes have been recorded against these resolutions, when, from my knowledge of Senators, I am firmly convinced that there are but very few, if any, who are not prepared to vote for resolutions prepared in such a conciliatory spirit, as not to encounter the opinions or the prejudices of any, and which ought to give, and I believe would give, entire satisfaction to the South. The moral effect of such a unanimous, or almost unanimous, vote of the Senate, would be great upon the country. It is, therefore, for the purpose of arresting this unprofitable debate, and of having such resolutions reported by a Select Committee, that I shall vote in favor of the proposition.

What have we witnessed upon the present occasion? The Senators from Delaware, although representing a slave-holding State upon this floor, have voted against these resolutions, because, in their opinion, they can detect in them the poison of nullification. Now, I can see no such thing in them, and am ready to avow that in the main they contain nothing but correct political principles to which I am devoted. But what then? These Senators are placed in a false position, and are compelled to vote against resolutions the object of which they heartily approve. Again: my friend, the Senator from New Jersey, (Mr. WALL,) votes against them, because they are political abstractions, of which he thinks the Senate ought not to take cognizance; although he is as much opposed to abolition, and as willing to maintain the constitutional rights of the South as any Senator upon this floor. Other Senators believe the right of petition has been endangered; and until that has been established, they will not vote for any resolutions upon the subject. Thus we stand; and thus those of us in the North, who must sustain the brunt of the battle, are forced into false positions. Abolition thus acquires force by bringing to its aid the right of petition and the hostility which exists in the North against the doctrines of nullification.

Mr. PRESTON hoped the resolutions would not be referred; it could no do good, and would protract the discussion, of which he was already heartily wearied.

Mr. BERTON then withdrew the motion to commit the subject to a Select Committee.

Mr. WALL had hoped the subject would have been referred to a committee, as it was clearly incompetent to the Senate to sit day after day, making abstract creeds, and establishing particular interpretations of the constitution; all which was foreign to the purposes of legislation. He would ask, on whom were these codes, creeds, and abstractions, to operate? They could have no force whatever as law; whom, then, would they bind? No one per-

son whatsoever! Did, then, the Senate expect to settle a thousand disputed constitutional questions by propounding theories and abstract propositions? To legislate was the duty of legislators, not to broach or to promulgate abstract opinions and theories. If a law were introduced on the subject, he (Mr. W.) would be able to act; or, if the report of a committee had come up, it might be received or rejected. As it was, however, the course pursued appeared to him irregular, anomalous, and fraught with bad consequences, converting the Senate into a mere arena of theoretical disputations.

SATURDAY, January 6.

Mr. Calhoun's Resolutions.

The question being on Mr. MORRIS's amendment to the third resolution,

Mr. DAVIS said that he had several times briefly addressed the Senate upon this subject, which for two years or more had been greatly agitated, more so, probably, than was useful.

At the first session of the last Congress, after a long, animated, denunciatory debate, carried on chiefly by the members from the South, the Senate arrived at certain results in regard to abolition petitions, in which he (Mr. D.) did not concur, but a very great majority did. It was proper to recur to the state of things then, and to call to mind the sentiments of that day. The leading argument in that debate was, that the agitation of the question was a source of great danger, pregnant with ruinous consequences to the country, causing serious obstruction to the action of Congress, and great uneasiness out of doors. And it was most urgently insisted that it was one of those delicate topics which it was not safe to discuss; which, in truth, we had no right to discuss, either as regarded the States interested, or the District of Columbia or the Territories.

I have many objections to these resolutions, more than I shall find physical ability to express, and the strongest of those objections are to their political character.

They are not called for, are not more efficient than the measures now in force, and can do no good. They are, as has been well said, (a part of them at least,) mere abstractions or avowals of abstract doctrines no way demanded by the occasion. They embrace matters having no connection with abolition, and call upon us to commit ourselves to an interpretation of the constitution when there is no emergency arising in the course of our public duty requiring us to give interpretation to that instrument. It is an unnecessary attempt to influence the public judgment, and such works of supererogation are best let alone. Any and all these reasons are a most ample justification for voting against even that which may seem to be right in the abstract; for I would give no countenance to making a creed of avowals for politicians, and to the publication by the Senate of abstract opinions, merely because they may contain ap-

parent truisms. They ought also to be useful, and put forth for some useful public purpose.

But, sir, the leading reason urged for disposing of the whole abolition matter is, that the agitation of the topic disturbs the public harmony and endangers the Union. I am quite disposed to respect all such fears and apprehensions, when urged with seriousness; to listen to public sentiment, and to yield much to public judgment; and, I am happy to perceive that the thought now and then flashes across the minds of gentlemen, that there are two ends to this Union, both of which should fall under the protection and paternal regard of this Government. We are the representatives of the whole, and our affections and watchfulness should be commensurate with the whole. The resolutions before us propose no measures for the general harmony, but to give certain interpretations to the constitution favorable to the slave interest. This is to avoid the dissolution of the Union. I cannot see how the end is to be reached by the means.

I wish to ask, sir, what your recollections are in regard to the history of public policy. You have probably for the last thirty years been a witness and participator in what has occurred here, and your memory can go much beyond that. You know what has been the public feeling on the subject of the integrity of the Union, and what kind of a reputation those have acquired who have been suspected only of agitating this alarming topic. How stands the Hartford Convention in public estimation? How other conventions and assemblies of men of more recent date, who were supposed to meditate unfriendly feelings to the Union? All hostility to the Union has at all times been viewed by the great body of the people with the most profound sorrow and regret.

The Abolitionists can have no motive to dissolve the Union. They have never been charged with such an object, to my knowledge. Their acts may create alarm and discontent, which may tend to that. There may be selfish men among them, for the ambitious always mould the moving elements, when they can, to aid their own selfish purposes. It would not be singular if such were found among them, but their number cannot be great. But how is the Abolitionist to be profited, if his wishes are all realized? If all the slaves on the globe were made free, how will it mend his condition? In no way whatever. He can gain nothing by the change. But they repudiate, and very properly, all right to interfere with the States, and confine themselves to the Territories and the District of Columbia.

The worst, then, which can be said of them, is, that they are deluded, misguided philanthropists, fanatics—dehated with an unbecoming zeal. I do not mean to touch the question of the expediency of their course in asking for immediate abolition in the District. That I will meet whenever the Senate will open it by receiving their petitions, but not until

then; for the right of petition is the higher right, and must first be vindicated. I shall, however, at all times go for the Union, and the whole Union; and against the Abolitionists if they propose to interfere with constitutional rights or guarantees.

Mr. CALHOUN said he had, he believed, been in a standing minority from the time the subject of abolition was first agitated in this body till the introduction of these resolutions; and, although he had steadily objected to the reception of any abolition petitions, so far from taking a lead in laying them on the table, as the Senator stated, he had not, in a single instance, made such a motion. He was, on the contrary, wholly opposed to the course. He had never doubted the folly of the position, that we were bound to receive petitions, but might lay them immediately on the table, without consideration or discussion. In the original debate, he told the Senator from Pennsylvania, (Mr. BUCHANAN,) who took a lead in favor of that course, that it was utterly indefensible, and that the reasons he (Mr. B.) assigned to prove that we were bound to receive, would be equally cogent to show that we were bound to refer, report on, discuss, and decide on them. He also told him what would be the consequences of his false position, all of which have already been realized. The Senator from Kentucky has already taken the precise ground which he foretold would be taken. Nor is the Senator less mistaken in supposing that he has been opposed to the discussion of the subject. He has, it is true, been utterly and unalterably opposed to any discussion with the abolitionists. They have no right to come here, and he was and is for shutting the door in their face; but he never shunned discussion when the subject came fairly up, nor would he, so long as the Senator's constituents and others continue to agitate the subject; in proof of which, he referred the Senator to the course he adopted in relation to the President's Message, some years since, on the circulation of incendiary publications through the mail. So far from avoiding discussion, he raised a special committee on that portion of the Message, made a full report adverse to the President's views, accompanied by a bill, which gave rise to much discussion. So now, acting on the same principle, he had presented the resolutions as the antagonists of the Vermont resolutions.

But this is not the only instance of the misstatement of his course by the Senator. Assuming, erroneously, as he had shown, that his position had been that Congress has no right to agitate or discuss this subject, however presented, he accuses him (Mr. C.) of challenging debate on the present occasion, and says that he (Mr. DAVIS) would have remained silent had it not been for his challenge. It is true he had stated that the political creed of the Senator, and those who thought with him, in reference to the origin and structure of our Government, so far from affording any constitutional

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protection against the assaults of the Abolitionists, had roused their fanatical spirit into action; and he had called on the party generally who entertained it, to show, if he was in a mistake as to the effect of their creed, what protection it afforded. If the Senator has construed this into a challenge to discuss these resolutions, he must say he has most signally failed to meet it. He has not even attempted to show that the view which he and his party take of the constitution, can afford the least protection against the dangers which now so seriously menace the country and its institutions. His silence he had a right to consider as conclusive proof of the truth of his assertion, and the Senator ought not to be surprised if, after this tacit confession, he should turn to those who entertained the opposite constitutional views, and call on them exclusively to rally to the rescue at this hour of danger. The Senator was so conscious of his weakness on this point, that instead of attempting to point out a remedy, when his political theory afforded none, he took the opposite course, to deny that there was any danger to be repelled. He told us, gravely, that the Abolitionists were no Disunionists; that they had no ambitious objects; no corrupt purpose; that they repudiated all interference with the States; that they only aimed to abolish slavery in the Territories and in this District, where there were not more than 2,000 slaves; and that they claimed no right, but to beg you to grant them the innocent and harmless boon they craved, (of cutting our throats and burning our houses,) and that these beggars were but a handful, of whom a large portion were females. Such is the picture which he gives of this small band of innocents, and the harmless motives that actuate them; and this, in the face of the constant, uniform, and open avowal, that their object is the total abolition of slavery in the States, as well as in this District and the Territories, and that they consider the abolition in the latter but as the first step to abolition in the former.

As brief as has been his notice of the Senator's apology for the Abolitionists, (for such he must consider his speech,) it is much longer than he would have made it, had it not been for the respect which he has had for his talents and character. He cannot consider the course he has pursued in his speech as indicative of his actual feelings and fairness, and is compelled to regard it as indicative of the distempered state of the public sentiment of those he represented. Thus viewed, it affords an important lesson to those he represented. Throughout, not a censure of the Abolitionists is whispered. All is excuse, defence, apology. It is we, not they, who are the agitators; it is we, not they, who are the disturbers of the peace and quiet of the country; it is we, not they, who are the assailants; it is we, not they, who harbor ambitious and improper designs; and, finally, it is we, not they, who meditate disunion. It is no crime to attack us, but a heinous offence in us to defend ourselves.

Mr. NILES felt that the resolutions before the Senate had placed himself and some others in a delicate situation; he was, and ever had been, decidedly opposed to the agitation of this subject in Congress, in any form; he was opposed to its discussion here, believing that it would tend to increase the evil which it was designed to remove. But it has been brought before us, and we are compelled to act upon it.

He had a few remarks to offer upon the resolutions. They are here, whether properly or not, and we are called on to decide upon them; and when we arrive at that point, they ought to stand or fall upon their own merits. They are objected to on several grounds: first, as being mere abstractions, having no practical bearing; and if by this is meant that they are, if adopted, to have no operation on the rights of any one, this objection is correct. But he would not add to what he had said on that point. They are also objected to on the ground of their having a double aspect—one political, the other having reference to the abolition question. Some gentlemen think that they are altogether unsound and dangerous, as the affirmation of a political creed. They think they discover a lurking treason in them, or a squinting towards nullification. Remove the veil, says the Senator from Massachusetts, and you discover that little thing called nullification.

These objections had no great force on his mind. So far as the resolutions embraced political principles, he had no difficulty; he believed them to be sound and just. They contained a brief exposition of the true theory of our Government; there was nothing new in them; their doctrines were those of the old Republican school of '98, which he regarded as the true interpretation of the constitution; the doctrines of State rights, which were the true principles of union and liberty. They had stood the test of public opinion and of public scrutiny, in every way and form, for nearly half a century, and he thought it rather too late to call them in question now. If, in the infancy of the Confederacy, these principles were deemed just, and the only bulwark against consolidation, the experience of the last forty years has added immeasurable weight to the conviction by which they were then sustained. This Government has exhibited a steady tendency towards consolidation; and this tendency, whilst it is constantly impairing the rights of the States, is the source of greatest danger to the Union. But it is said that the political features of these resolutions, whether right or wrong, are irrelevant, and have nothing to do with their avowed object. He thought very differently. Petitions are before the Senate, asking us to abolish slavery in this District, and to prohibit the slave-trade between the States. We present these resolutions as an answer to these requests. We hold up the mirror of the constitution, that the petitioners and all others may see the objections and difficulties existing in the very theory and nature of the

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Government—that they may see that some of the objects prayed for are directly in conflict with the constitution, and that others have a direct and necessary tendency to disturb the Union. The designs of these agitators are not confined to this District; we have evidence that they are not; they are praying for the prohibition of the trade in slaves; they are already directly interfering with this matter within the States. These unfortunate men, who, I fear, are to be the disturbers of their country's peace, view this subject in a religious rather than a political or civil aspect. They regard slavery as a moral evil; as a sin in the sight of God, which they are in conscience bound to set their faces against and attempt to extirpate. Does not this show that they consider themselves in some sense responsible for what they regard as a crime, which must proceed from the consideration that we are one people, one community, for local as well as general purposes? These men mostly belong to the clergy, who, with many honorable exceptions, are, of all men, the most liable to fall into error on this subject. Their course of reading, reflections, associations, and duties, all tend to lead them into error in regard to the nature of our Government and political and social rights. If they do not entertain erroneous views on this subject, why do they confine their efforts to slavery in the United States? Is there no slavery elsewhere? Why do they not give their attention to Cuba and the islands lying along upon our coasts? Does not slavery exist there? and is it not known to be much more cruel, severe, and oppressive? Who has ever heard of the exertions of abolitionists to abolish slavery in the Island of Cuba? Depend upon it, sir, these fanatics act under an impression that they are in some respect responsible for the existence of slavery in the United States, because they are citizens of the same country and belong to the same general community. These resolutions present this subject in its true light; they hold up the States as separate and independent communities, except for a few general purposes; as much separate and distinct in all their concerns and institutions purely local, as though the Union did not exist; as much separate and distinct as these States are from Canada, or Cuba, or Mexico. A citizen of Vermont has no more right to interfere with the subject of slavery in South Carolina, than a citizen of Canada. Is there not reason to believe that there is much delusion on this subject?

But what is the real source of danger? We are told that no force can be brought against the Union or the South. This is true, sir; the danger is not from force. What is the strength of this Government, and of this Union? Is it force? Is it backed and sustained by your army and navy; your militia, or other military establishments? Far from it: that is not the design of those national institutions. The strength of this Union, of this Government, is

public opinion. This is its only abiding foundation; the rock on which it rests, or upon which it must founder. As long as that remains sound, we have nothing to fear, and hence we discover the danger from the movements and apparent designs of the abolitionists. Are not all their efforts directly calculated to poison public sentiment? Are they not calculated to alienate the opinions and feelings of the people of one section of the Union from those of another? If their schemes are persisted in, is there not reason to fear that feelings will be engendered in both ends of the Union, hostile to each other and the Union itself? Does any one suppose that this Confederacy of States can be preserved with public sentiment hostile to it; with feelings unfriendly and hostile between the people of the two extremities? Does any one suppose it can be maintained when the time arrives (but he hoped it would never arrive) when the entire population of one section of the country, comprising nearly half the States, become fully and deeply impressed with the solemn conviction that the Union, instead of adding to their security, is the fruitful source of danger to their domestic institutions, their property, their peace, and their lives? He must know little of the nature of this Government, and little of human nature, who can entertain such an opinion. Sir, the strength of this Union is in the hearts and affections of the people; in a settled, abiding conviction, that it is a source of security, a benefit, a blessing, to all parties to it.

Sir, (said Mr. N.,) I will not undertake to predict what will be the issue of this struggle at the North. For a time, very possibly, the side of error may prevail. It was a subject peculiarly calculated to take hold of the feelings and prejudices of large classes of the people; it was a subject calculated to delude and mislead. But if the abolition party should prevail, and abolition principles triumph, we shall have then reached the third stage of the evil; the contest will then be brought here, and between the different States of this Union. Then are to follow reproaches, criminations and recriminations, and real or supposed aggressions offered and repelled; agitation, alarm and confusion may prevail, and the noble fabric of the Government appear to be falling to pieces. This will be the final crisis, which may fill the country with calamities, but the Union will not be dissolved. When the waters of bitterness have spread over the land—when the people have drank deep from the cup of affliction—when they have seen and tasted enough of the bitter fruits of fanaticism, folly, rashness, and passion—the good sense and reason of the people will return, the delusion will subside, and the dark clouds which have lowered over our horizon will gradually disappear, until the sun breaking through them shines once more on our favored land. Sir, the Union will not be dissolved, although it may be put to a severe trial. He felt a strong conviction, an abiding

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confidence in this; but if he could for a moment believe that Providence has ordered otherwise—that this Confederacy is to be broken down—it would make no difference as to his course. When driven from every other position, he would make his last stand on the ramparts of the constitution, where he would make the last rally for the last struggle in its defence. If unsuccessful—if he fell—he would fall with the glorious standard of the Union in his hand, and the words of the venerable ex-President on his lips—"THE FEDERAL UNION MUST BE PRESERVED."

MR. BAYARD moved to strike out the words "the several States," and insert the words of the constitution itself, viz: "the people of the United States." His object was to avoid a committal to a political creed, to which he could not consent.

MR. CALHOUN objected, that those words were ambiguous; they might be taken in a geographical sense, meaning the inhabitants of the northern continent of America; or they might mean the people, as a people; or they might mean the people only of the several separate States. The latter was the only sense he could admit.

MR. BAYARD urged that the very words of the constitution, to which every Senator had sworn, could not surely be objected to. It appeared to him that Mr. C. was contending rather to put his own peculiar interpretation upon that instrument, rather than following the instrument itself, leaving the interpretation open.

MR. CLAY of Kentucky said, if the Senator from Delaware would frame his amendment according to the historical fact, in the adoption of the constitution, MR. CLAY would vote for it. The historical fact was, that the constitution was adopted by the people of the several States, acting within their respective limits.

MR. CALHOUN. We rely on the historical fact; and the Senator from Delaware ought not to force his interpretation on us.

MR. BAYARD. The historical fact is, that it is the Government, in the words of the constitution, of "the people of the United States." It is so decided by Chief Justice Marshall. When the preamble of the constitution was "We, the people of New Hampshire, Vermont," &c., the names of the several States were stricken out, and the existing expression inserted, in order to avoid all ambiguity. I do not depend at all on the preamble, but on the discussion in the Convention. I can demonstrate that it was regarded as a Government emanating from the people as a general body; and on this subject I shall be ready to wield a lance with the Senator on any substantial occasion.

MR. BAYARD's amendment was lost—yeas 8, nays 34; and the third resolution was adopted—yeas 31, nays 11.

TUESDAY, January 9.

Mr. Calhoun's Resolutions.

The Senate resumed the consideration of MR. CALHOUN's resolutions, on the relations, &c., of the States and General Government. The question being on the fourth of the series.

MR. GRUNDY said that, having been absent from sickness when the votes were recorded on the passed resolutions, he took this opportunity of saying that he zealously concurred with the object of the resolutions, and, had he been present, should have voted in favor of every one of them.

The question was taken on the 4th resolution, and was carried, as follows:

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Walker, White, Williams, Wright, and Young—34.

NAYS.—Messrs. McKean, Morris, Prentiss, Smith of Indiana, and Swift—5.

The question then recurred on the adoption of the fifth resolution as follows:

"Resolved, That the intermeddling of any State or States, or their citizens, to abolish slavery in this District, or any of the Territories, on the ground, or under the pretext, that it is immoral or sinful, or the passage of any act or measure of Congress, with that view, would be a direct and dangerous attack on the institutions of all the slave-holding States."

MR. SMITH, of Connecticut, did not intend to press on the Senate any remarks of his while these resolutions were under discussion. But he rose to express his views as to the difference between the resolutions which had been passed and the one at present before them. Those that were passed were only declaratory of constitutional rights, which he thought they were bound to recognize, and on these grounds he gave his support to them. But what was this fifth resolution? Was it not wholly different from the others? This was a field in which the people of these United States had a right to enter and to discuss—the expediency of slavery in this District. If we are called on here to act as legislators, he, for one, would be ready to say that it would not be expedient to legislate on the subject, because it would be unjust to the holders of slave property, but he would be unwilling to say that it was unconstitutional to abolish slavery in this District.

When they came to talk of prescribing limits to the discussions of the people of the United States, they were not acting within the limits of their duty. If, said Mr. S., we do not act in conformity to the will of the people of the United States, they can exercise a proper check or control over us. What was this fifth resolution but the prescribing a rule to limit the discussions of the people of the United States hereafter, and the setting themselves up as

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censors over them? This Mr. S. thought, was going far beyond the limits of their duty. While he would cheerfully oppose any unconstitutional interference with the institutions of the States, he would at the same time avoid expressing any opinions adverse to the right of the people to discuss such subjects as were properly open to them.

Mr. PIERCE, of New Hampshire, said: The District of Columbia was now emphatically the battle-field of the abolitionists, and the resolution immediately under consideration, with, perhaps, some modifications in phraseology, would present the true issue here and to the country.

If the grave objections suggested on the other side were sustained by an examination of the resolutions themselves, or a course of sound argumentation, they would insure my opposition. What are they? The first that reached my ear was, that they contain latent nullification. I have waited to hear the particular resolution, sentence or phrase pointed out in which this heresy is supposed to be concealed, and I have waited in vain. Having, then, assertion on one side, and what appears to me to be the plain reading of the resolutions and the frank and unqualified declaration of the mover on the other, I must be excused if I do not take the alarm.

We have next eloquent disquisitions upon the liberty of speech and the freedom of the press. To every sentiment uttered upon these subjects I yield my cordial assent; but why introduced on this particular occasion, I have been at a loss to determine. Would any man here abridge the liberty of speech, or assail the freedom of the press? I take it not. Is there any thing in the resolutions to sanction an invasion of either? Not a syllable. That these are privileges most dear to every American, is freely admitted by all. Why such a variety of changes have been rung upon them in this debate, others may determine.

But it is further urged against the resolutions, that they are mere abstractions. Sir, it is quite immaterial what name you apply to them; sufficient is it that they meet the case, that they encounter the Abolitionist upon sound and tenable ground, and furnish a conclusive answer to his importunities. To say that the petitions refer only to this District, and that the principles asserted in the preceding resolutions are consequently without application, is perfectly idle. It is impossible to read a single number of the leading Abolition periodicals, without perceiving that their object reaches far beyond this District, and stops at no point short of general emancipation in the States. And yet, sir, I suspect that you would find few intelligent Abolitionists, who would assert that Congress has the constitutional power to interfere with slavery in the States; but admitting the want of power here, they hold it to be their duty, as individuals, to persevere in the cause. Regarding the institution of slavery

as morally wrong, or sinful, if you please, they consider themselves, as citizens of the Union, responsible for its continuance, wherever it may exist within our borders. This feeling has its origin, to some extent, in a misapprehension of the structure of our Government, and this error the preceding resolutions are calculated to correct. They assert, in effect, that the citizen of New Hampshire is no more responsible, morally or politically, for the existence and continuance of this domestic institution in Virginia or Maryland, than he would be for the existence of any similar institutions in France or Persia.

Now, let these doctrines be universally understood and admitted, and you take one great step toward satisfying the consciences of honest, but misguided people, in one section of the country, and quieting the irritation, for which there has been too much cause, in the other. This we have attempted to do. We are bound to go further, and frankly to declare to these petitioners, that so long as slavery shall continue in Virginia and Maryland, it is vain for them to expect its abolition here; that we are forbidden to legislate upon this subject, under existing circumstances, by obligations hardly inferior to the constitution itself; that Congress cannot abolish slavery in this District, against the wishes of the inhabitants, without a gross breach of public faith, and an outrageous infraction of private rights.

At the time the cession was made, domestic slavery existed in the States of Maryland and Virginia: it still exists there; and it has also existed here from that day to this. Now, how is it possible to mistake what must have been the understanding of both parties at the time? No man, it strikes me, can doubt for a moment, who will regard, without prejudice, the relative position of this "ten miles square," the objects of the cession, and the manifest interests of the States making it. Who can believe that these patriotic States would have parted with their territory, if they could have supposed that the rights and property of their citizens, living upon it, were to be invaded, against their consent, and in defiance of their remonstrances? I have no hesitation in saying that I consider slavery a social and political evil, and most sincerely wish that it had no existence upon the face of the earth; but it is perfectly immaterial how it may be regarded, either by you or myself; it is not for us to sit in judgment, and determine whether the rights secured to the different States by the constitution are blessings or otherwise; it is sufficient for the argument that they are rights, which the inhabitants do not choose to relinquish.

Mr. CRITTENDEN, of Kentucky, rose. He said that, if the object of these resolutions was to produce peace and allay excitement, it appeared to him that they were not very likely to accomplish such an object. More vague and general abstractions than they were could hardly have been brought forward, and they

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were more calculated to produce agitation, and stir up discontent and bad blood, than to do any good whatever. Such, he knew, was the general opinion of Southern men, few of whom, however they assented to the abstractions, approved of this method of agitating the subject. He was quite at a loss to comprehend what good such resolutions could effect; there was nothing practical in them; they were in the air, aerial, unbusiness-like, theoretical abstractions, only calculated to agitate, and to bring the rights of the South to trial, to bring them up for discussion, to create difference and discord on abstract questions among those who all agreed on the one practical point, viz: that the rights of the South must be preserved. He would not say that they were the work of abolitionism, but of this he was certain, that such a mode of bringing the South to trial, and putting up her rights to be disputed, by drawing out theories on which no two men could absolutely agree, was most eminently calculated to aid, and no doubt would greatly aid, the abolitionists. The mover of these resolutions relies mainly upon two points to carry the Senate with him: first, he reiterates, over and over again, the trite theme and cry of "danger to the Union;" and next, that, if he is not followed in this movement, he urges the inevitable consequence of the "destruction of the Union."

Mr. C. thought it possible the gentleman might be mistaken. It possibly might not be exactly true that, to save the Union, it was necessary to follow him. On the contrary, some were of opinion, and he for one was much inclined to be of the same view, that, to follow the distinguished mover of these resolutions, to pursue the course of irritation, agitation, and intimidation which he chalked out, would be the very best and surest method that could be chalked out, to destroy this great and happy Union. The Senator (Mr. CALHOUN) is daily, and almost twenty times a day, telling us that the disease is great—is terrible—is frightful—is absolutely incurable! But, if it be as he represents, if the disease be incurable, why does he come forward as a physician to heal a disease which he himself declares to us is past all healing? What can possibly be the object of the resolutions, if the evil they propose to assuage is past all cure? What was the use of bringing them forward, if the gentleman is sincere in thinking that no application can be of any benefit to a disease, which he paints every hour of the day as being frightfully removed from all the powers of remedy? Is such language, on the other hand, only intended as a politic method of carrying by force and terror and alarm every trembling vote in his train? Whatever might be the object of the gentleman, it certainly appeared rather strange to him (Mr. CRITTENDEN) that he should bring forward his resolutions as a remedy, and descant most forcibly upon their healing, testing, curing, and sanatory powers, and almost

in the same breath tell us that the disease is so fearful, so far gone, so alarming, so terrific, that his very remedy which he offers is good for nothing!

So far it appeared to Mr. C. that Mr. CALHOUN's course was not calculated to heal, or to produce peace, though such he professed were his objects. There was again another argument on which he rested, which also appeared to Mr. CRITTENDEN calculated to produce confidence in the Abolitionists, and alarm in the South, and all the friends of the South; calculated, he thought, if it were not exposed and avoided, to add thickly to the ranks of abolitionism, and to weaken the ranks of the South, by forcing out many of its warmest and most ardent friends and supporters. The argument was—though not of course so plainly and openly expressed—that there could be no confidence in any opposition to abolitionism, unless it came from Mr. CALHOUN and his party! unless it came from the State rights party! And, therefore, the necessary consequence which follows is, that unless the whole country shall follow the gentleman, and range themselves behind him in his party, there can be no preservation of the Union, there can be no available opposition to abolitionism! Such a mode of acting and reasoning upon the subject appeared to Mr. C. as making a stalking horse, a tool, of abolitionism, to serve as a mean, and as an instrument of promoting personal views and party ambition, under the pretence of infinite good to the country.

Mr. PRESTON suggested to the mover to strike out the words "*on the ground or under the pretext that it was immoral or sinful,*" and insert "*on any pretext whatever.*"

Mr. CALHOUN objected to striking out the words referred to by his colleague; they meet the Abolitionists directly; but would accept as a modification the words he proposed to add.

Mr. PRESTON moved further to insert the words "also a violation of the public faith implied in the cession of this District by the States of Virginia and Maryland."

Mr. CALHOUN had always been of the opinion that any interference with slavery in this District would not only be a violation of the public faith to the States of Virginia and Maryland, but would also be a direct violation of the 8th amended article of the constitution.* He had not, however, thought proper to assert it, as he knew that there was a majority in the Senate of a different opinion, and as his object was to place the question on no particular portion of the constitution, but on its general character and structure, which he thought was much stronger, and much less liable to be disputed. He would neither object nor assent to the proposed modification.

* There must be some error in this reference, as the eighth amended article has no relation to the subject, and merely forbids excessive bail to be required, or excessive fines imposed, or cruel and unusual punishments inflicted: nor does any other article seem to apply to it.

Mr. PRESTON's second amendment was agreed to.

Mr. CLAY, of Kentucky, said that he could vote for neither the fifth nor sixth resolutions, in the shape in which they were presented by the Senator from South Carolina.

I have voted, (continued Mr. C.,) without hesitation, for the first resolutions offered by that Senator, after they were modified or amended, not from any confidence which I have in their healing virtues. With respect to the point so much insisted upon in this debate, and which had produced great controversy in former times, whether the constitution is to be regarded as the work of the people of the United States collectively, or of the separate States composing the Confederacy, I have always thought that more importance is attached to it than it deserves. The real question in considering the instrument is, not how the constitution was made, but what is it, as it is? I have always understood, according to historical fact, that the constitution was framed by a convention, composed of delegates appointed by the Legislatures of the several States; and that after it was adopted, it was submitted to conventions of Delegates, chosen by the people of the several States, each acting separately by and for itself; and, being ratified by the conventions of a sufficient number, it became the Constitution of the United States, or, in its own language, of the people of the United States.

The series of resolutions under consideration has been introduced by the Senator from South Carolina, after he and other Senators from the South had deprecated discussion on the delicate subject to which they relate. They have occasioned much discussion, in which hitherto I have not participated. I hope that the tendency of the resolutions may be to allay the excitement which unhappily prevails, in respect to the abolition of slavery; but I confess, Mr. President, that, taken altogether, and in connection with other circumstances, and especially considering the manner in which their author has pressed them on the Senate, I fear that they will have the opposite effect; and particularly at the North, that they may increase and exasperate, instead of diminishing and assuaging the existing irritation. And I cannot but regard the unnecessary combination of the subject of abolition with that alien and the most exciting of all subjects at the present period, the annexation of Texas to the United States, in the same series of resolutions, as peculiarly unfortunate. I know that Texas is not specially mentioned in the last resolution, but the country will understand the intention and allusion. It cannot be forgotten that, immediately after the tidings of the memorable battle of San Jacinto reached this city, the Senator from South Carolina (Mr. CALHOUN) expressed in the Senate his opinion that the independence of Texas ought immediately to be recognized, and his wish that, before the adjournment of Congress, it should be annexed

to the United States. A resolution now lies upon the table of the Senate, introduced by the other Senator from South Carolina, (Mr. PRESTON,) proposing a contingent annexation of it to the United States. When these facts are borne in mind, will not all understand the last resolution, although abstract in form, as intended to commit the Senate, in advance, to the annexation? Our purpose, our anxious aim, should be to compose the North, to arrest the progress of the spirit of abolition, and to give strength and confidence to the numerous friends of the Union in that quarter. Is it then wise and discreet to blend these two unhappy causes of agitation together?

The Senator from South Carolina has offered his resolutions, he tells us, to revive and rally the State rights party. But I cannot think that the slave-holding States ought to consent to place their peculiar interests in the exclusive safe-keeping of any one party, however correct some of us may believe its principles to be. Parties rise up and go down, but the constitution remains a perpetual and sure bulwark against all attacks upon the rights of the slave-holding States, from whatever quarter they may proceed. No, sir: do not let us put our trust in any party exclusively; let us invoke the united guardianship of all—the Whigs, the Democratic party, the Republican party, the Jackson Van Buren party, the Federal party, the Union party, the Nullifiers, and the Loco Focos—all, in preserving the inviolability of the constitution, and protecting against every encroachment delicate and momentous interests, which cannot be seriously touched without endangering the stability of our entire political fabric.

We want in the slave-holding States nothing done here to stimulate our vigilance, or to unite us upon the subject of our present deliberations. We may differ there in the degree of sensibility which we display; but we are all firmly and unanimously resolved to defend and maintain our rights at all hazards; and should the hour of trial ever come, those who appear now the least agitated, will not be behind those who are foremost and loudest in proclaiming the existence of danger. I have inquired of Northern Senators, charged with the presentation of abolition petitions, whether the spirit of abolitionism was spreading; and, if so, what was the cause. Their answer was, that it was increasing; and that the cause was the impression which the Abolitionists had been able to make on the Northern mind, that the constitutional right of petition was denied them by the two Houses of Congress.

The people may attempt to exercise that right of petition in three different descriptions of cases: 1st. In instances where Congress manifestly does not possess the constitutional power to grant the relief prayed for. In these, the petition may be rejected instantly, without reference and without debate, and no just cause of complaint would exist. 2d. In cases where

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the constitutional power, the exercise of which is invoked, is controverted, doubtful, or uncertain. In these, a reference of the petition may be necessary to examine into the existence of the power, as well as into the expediency of exercising it. Of this controverted nature is the legislative power of Congress in this District. No one would contend that a petition to establish a Bank of the United States should be instantly rejected, without debate and without reference, upon the sole ground that a large portion of the Senate should think it unconstitutional. And 3d. In cases where the power is incontestably possessed by Congress to grant the redress prayed for. In the two last descriptions of cases, I think that Congress is bound attentively to receive the petitions, and respectfully to dispose of them.

It has been argued that, when a petition is once put in the possession of the Senate, the right of petitioning has been practically enjoyed; and that the Senate may reject it instantly, refer it, lay it upon the table, or dispose of it as may be thought proper. Undoubtedly this is true; but in the great business of human life, public and private, the manner in which it is transacted is often as important, sometimes more important, than what is done or refused. And a wise Government should be particularly careful not to wound or inflame popular sensibility on subjects respecting which large masses choose to exercise the constitutional right of petition. The course which the Senate has pursued, in regard to these abolition petitions, for about two years past, is this: a Senator states from his place that he is charged with the presentation of one of them, and moves that it be received. Another Senator thereupon rises, and moves that the motion to receive the petition be laid upon the table; and the Senate accordingly orders the motion to receive the petition to be laid upon the table; and thus the petition is not received in a parliamentary sense. The Senate does not decide the question of its reception.

This course I have always thought unfortunate. It is unsatisfactory. The petitioners feel that they have been neglected, and they allege that the right of petition has been denied. But it has been contended that these petitioners are mad and reckless fanatics, and it has been indignantly asked whether they merit respectful treatment. Mr. President, my observation and experience in life have taught me, that when we are addressed or assailed, our conduct should not be regulated by the harsh, vituperative, or fanatical language, or the condition, whatever it may be, of those who approach us, but by the standard of our own respectability, standing, and character in life. And in regard to these petitions, the question should not be so much what do the petitioners deserve, as what is due from the calm, elevated, dignified, august character of the Senate of the United States?

It appears to me, sir, that what becomes us

is to keep the Abolitionists separate and distinct from all other classes, standing out in bold and prominent relief; and the subject of abolition separate and distinct from the right of petition, from Texas, and from all other subjects; let them stand alone, unmixed with the rest of the community, without the general sympathy, and exposed to the overwhelming force of the united opinion of all who desire the peace, the harmony, and the union of this Confederacy. I would receive, respectfully receive, their petitions, refer them, and occasionally present calm, dispassionate, and argumentative reports against them. This is the manner in which petitions for abolition were received in the first Congress, upon the recommendation of Mr. Madison; and that in which they were ever afterwards received, until the practice was changed about two years ago.

But it is said that these fanatics are beyond the reach of any argument; and it is triumphantly asked, Will you condescend to argue with such deluded persons? Yes! I say, yes. To preserve these admirable institutions of ours, and this glorious Union from the possibility of all danger, I would argue with any one, with lunatics themselves, in their lucid intervals, and argue again and again. It is not, however, to call alone the Abolitionists to a sense of peace and duty, that these appeals to the reason, the judgment, and the patriotism of the country, should be sent forth from these halls. They would address themselves, with powerful effect, to all that, vastly the largest, portion of the Northern community who are uninfected by abolitionism. When has Congress unsuccessfully appealed to the intelligence, the patriotism, and the valor of the American people? In such a cause we should never tire nor despair.

Mr. President, I have no apprehension, not the smallest, for the safety of the Union, from any state of things which now exists. I will not answer for consequences which may ensue from harsh and opprobrious language, and from indiscretion and rashness on the part of individuals or of Congress, here or elsewhere. We allow ourselves to speak too frequently, and with too much levity, of a separation of this Union. It is a terrible word, to which our ears should not be familiarized. I desire to see in continued safety and prosperity *this* Union, and no other Union. I go for this Union as it is, one and indivisible, without diminution. I will neither voluntarily leave it, nor be driven out of it by force. Here, in my place, I shall contend for all the rights of the State which has sent me here. I shall contend for them with undoubting confidence, and in all the security which the Union confers, under all the high sanctions which the guarantees of the constitution afford, and with the perfect conviction that they are safer in the Union than they would be out of the Union. I am opposed to all separate confederacies and to all sectional conventions. No state of actual danger exists

to render them expedient, or to justify deliberation about them. This Union, this Government, has done nothing, nothing whatever, to excite the smallest alarm. It will do nothing; but if it should; if, contrary to all human probability, the rights and the security of the slaveholding States shall be assailed by any authoritative act emanating from this capitol, a state of things for resistance, forcible resistance, will then occur. It will be time enough then to act. No man in full health will take medicine because he may be sick, amputate a perfectly sound limb, because it may be fractured or seized with gangrene, or perpetrate suicide because death is his ultimate and inevitable doom. And, sir, when that fatal day shall come, if it ever do come, when the slaveholding States have to defend, by force, their rights, the State whose servant I am will rush to battle, as she always has done, with her accustomed ardor, and with gallantry unsurpassed by that of any other State. And those States and their citizens will be found to sustain these rights with most vigor and success, who, unmoved by false alarms or imaginary or aggravated dangers, with a firm and fixed purpose of soul, stand prepared, in every real exigency, to vindicate them at every extremity.

Having, Mr. President, said so much on the general subject, with the permission of the Senate, I will read certain resolutions which I have prepared, embracing the whole ground occupied by any of the petitions in respect to domestic slavery in the United States. They are the following:

Resolved, That the institution of domestic slavery, as now existing in many of the States of this Confederacy, is subject to the exclusive power and control of those States respectively; and that no other State, nor the people of any other State, nor Congress, possess, or can rightfully exercise, any power or authority whatever to interfere in any manner therewith.

Resolved, That if any citizens of the United States, regardless of the spirit of peace, harmony, and union, which should ever animate the various members of the Confederacy, and their respective citizens, shall present to the Senate any petitions touching the abolition of slavery in any of the States in which it exists, all such petitions shall be instantly rejected, without debate, and without further or other proceedings thereon, as relating to an object palpably beyond the scope of the constitutional power of Congress.

Resolved, That when the District of Columbia was ceded by the States of Virginia and Maryland to the United States, domestic slavery existed in both of those States, including the ceded territory; and that, as it still continues in both of them, it could not be abolished, within the District, without a violation of that good faith which was implied in the cession, and in the acceptance of the territory, nor, unless compensation were made to the proprietors of slaves, without a manifest infringement of an amendment to the Constitution of the United States, nor without exciting a degree of just alarm and apprehension in the States recognizing slavery, far transcending, in mischievous tendency, any possible benefit which could be accomplished by the abolition.

Resolved, therefore, That it is the deliberate judgment of the Senate, that the institution of domestic slavery ought not to be abolished within the District of Columbia; and it earnestly hopes that all sincere friends of the Union, and of harmony and general tranquillity, will cease to agitate this disturbing question. But the Senate feels itself, at the same time, constrained, from a high sense of duty in respect to the constitutional right of petition, to declare that it holds itself bound to receive and respectfully to treat any petitions, couched in decorous language, which may be presented by citizens of the United States, touching slavery within the District of Columbia.

Resolved, therefore, That, upon the presentation of any such petitions, they shall be received, and referred to the appropriate committee.

Resolved, That it would be highly inexpedient to abolish slavery in Florida, the only Territory of the United States in which it now exists, because of the serious alarm and just apprehensions which would be thereby excited in the States sustaining that domestic institution; because the people of that Territory have not asked it to be done, and, when admitted as a State into the Union, will be exclusively entitled to decide that question for themselves; and, also, because it would be in violation of a solemn compromise, made at a memorable and critical period in the history of this country, by which, while slavery was prohibited north, it was admitted south of the line of thirty-six degrees and thirty minutes north latitude.

Resolved, That no power is delegated, by the constitution, to Congress, to prohibit, in or between the States tolerating slavery, the sale and removal of such persons as are held in slavery by the laws of those States.

Resolved, That, whilst the Senate, with painful regret, has seen the perseverance of certain citizens of the United States in the agitation of the abolition of domestic slavery, thereby creating distrust and discontent and dissatisfaction among the people of the United States, who should ever cherish towards each other fraternal sentiments, it beholds, with the deepest satisfaction, everywhere prevailing an unconquerable attachment to the Union, as the sure bulwark of the safety, liberty, and happiness of the people of the United States.

There is nothing abstract or metaphysical in them. They relate to the abolition of slavery in the States, in the District of Columbia, and in Florida, the only Territory of the United States where it exists, and to the sale and removal of slaves in the States whose laws recognize the institution of slavery. They do not seek to renovate any party, nor to place the high interests to which they relate in the exclusive custody of any one party. Resting upon, and sustained by, the constitution, they appeal to the sound discretion, the sober judgment, and the patriotism of all parties. I may not ask the sense of the Senate to be expressed upon each of them; but I shall offer that relating to the District of Columbia, and that to the Territory of Florida, as an amendment to the fifth resolution, submitted by the Senator from South Carolina. I think the charge upon the petitioners of *intermeddling* with abolition in this District is harsh, and that some less offensive word should be used. The District of

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Columbia is the seat of the common Government of the United States. It was ceded for that express purpose. Each State has as much interest in it, and as much right to petition about any thing within it, as any other State, and no more. Nor can I concur with the resolution, in declaring that the abolition of slavery in the District of Columbia would be a *direct* and dangerous attack upon the institution of slavery in the States. I am prepared to say that it would excite "a degree of just alarm and apprehension in the States recognizing slavery" far transcending in mischievous tendency, any possible benefit which could be accomplished by the abolition, or to use any other equivalent language. In conclusion, I move the third resolution of the series which I have suggested, as an amendment to the fifth resolution proposed by the Senator from South Carolina.

Mr. CALHOUN felt some inducement to persevere in the course he had heretofore pursued, by now seeing the concessions which were proposed by the resolutions just read by the Senator from Kentucky. He now saw it conceded, that where the object was clearly unconstitutional, the Senate was not bound to receive a petition. At first, the broad ground was taken that the right of petition was so sacred that any refusal to receive a petition, no matter on what subject, and no matter how objectionable its language, would be an invasion of it. Now it was conceded that they were not bound to receive a petition when the subject of it was clearly unconstitutional. Now, as to the amendment offered by the Senator from Kentucky to the fifth resolution. He would state, in general terms, what was the great characteristic difference between them. The Senator went on the principle that concession was the way to meet these Abolitionists. He, on the other hand, went on the ground that we have no safety but in standing fast on our rights. The Abolitionists tell you that their object is to abolish slavery in the District of Columbia as but one step towards final abolition in the States. With this object, avowed by the Abolitionists, what do duty and policy demand on our part? We see the end; and that, if it can be effected, it would be our destruction. Shall we yield, or stand fast? That is the question. If we yield an inch, we are gone. The very ground on which we are asked to make the first concession will be urged on us with equal force to make the second, the third, and every intermediate one, till the last is consummated. The first is to yield the right of petition, and to discuss the subject with the Abolitionists, in order to appease them, and to stop agitation. This the Senator from Kentucky (Mr. CLAY) urges on us, which he tells us would have a happy effect in quieting the public feeling. Does he not see that, if we should have the folly to make this concession, we will be next urged to yield to the abolition of slavery in this District on the very same ground? We will be told that there are but two thousand slaves in the District, and

if we yield to so small a request, all will be quiet. If that be conceded, we will be next told, we must yield to the abolition in the Territories, and then to the abolition of what they call the slave-trade between the States, and, finally, to abolition in the States. At every step they would become stronger, and we weaker, if we should be so infatuated as to make the first concession; and the Senator from Kentucky, at each step, would no doubt be able to read just such a letter as he had just read, from some well-intentioned but weak individual from the North, telling us, if we would only yield the immediate point at issue, all will be quiet, and that our cause will be strengthened. No: there never was a question agitated where the most unyielding opposition was so necessary for success. The difference between him and the Senator from Kentucky was as wide as the poles.

Mr. CLAY, in reply to Mr. CALHOUN, observed, the Senator from South Carolina seems highly delighted with having gained a point which he calls a concession on my part: that is, the immediate rejection of all petitions touching abolition in the States. But who ever contended that Congress was bound to entertain petitions relating to an object manifestly beyond the scope of its constitutional powers? We have only insisted upon its obligation to receive petitions when Congress possesses power, or the power, being controverted, is a fit subject of investigation. Whatever has been gained by the Senator, in respect to these, I fear is more than neutralized by a loss to the slave-holding interest, arising from the handle which is made of an alleged denial of the right of petition. If our object really be to diminish the number of petitioners, we should present no collateral or false issues to the country.

But the Senator expresses his alarm at the reception of petitions. Why, sir, what is there justly alarming in the mere fact of receiving a petition? Action, Congressional action, alone can justify alarm. The Senator thinks my resolutions make a concession. Of what? The right to abolish slavery in the States? No. They demand an instantaneous rejection of all such petitions, as being palpably beyond the powers of Congress, and therefore not even debatable. The right to abolish slavery in the District? No. The strongest grounds—stronger than the Senator's own resolution—are assumed against it. The right to abolish it in the Territory of Florida? No. All the considerations against it are arrayed in forcible language. The right to prohibit the sale and removal of slaves from State to State? No. The constitutional power of Congress to do that is denied. And it is remarkable that, while my resolutions deny that power, his are altogether silent about it.

Concession! We cannot alter the constitution. It is that which guarantees the right of petition; and the alleged concession is to be found not in my resolution, but in the consti-

tution. But what, again I ask, is there in the fact of receiving a petition which is to throw us into a nervous fit? Why, sir, if a man were to present me a petition to grant him Ashland, (or Orozimbo! exclaimed some Senator—or Orozimbo, said Mr. CLAY, whose death I am sorry to announce to the Senate, and he was a great loss, public and private,) I would, without the least apprehension for the loss of my property, put it in my pocket, or lay it upon the table. Will not the Senator comprehend the difference between the act of receiving a petition, and the grant of the thing petitioned for?

The Senator from South Carolina has adverted to the radical difference between us on this subject. I regret it, but I fear that it is not confined to this matter. For a long period of our service in the public councils, no two public men ever coincided upon all great measures of policy more than the Senator and myself. We agreed as to the War, the Tariff, Internal Improvements, a National Bank, &c. But when, to my utter astonishment, I heard the Senator, at the extra session, declare that he had always thought a national bank unconstitutional, the last link in the chain of opinion which connected us was broken and destroyed.

The honorable Senator is not more firmly resolved than I am to sustain the just rights of the slave-holding States. We differ as to the means. He goes for strong language, menacing tones, and irritating measures; I for temperate, but firm, language, conciliation, and for obeying the injunction of the constitution, in respect to the right of petition, which is never improperly denied without wounding popular sensibility. He, doubtless, does not desire to affect the stability of the Union; but I cannot but fear that his whole course on this subject has that tendency. I think that all our proceedings here should be regulated by the fact that the States are all parts of one great confederacy, and should seek to increase the harmony and strengthen the union between them. We should never act as if we were a divided people, or could possibly become so. We are too much in the habit of speaking of divorces, separation, disunion. In private life, if a wife pouts, and frets, and scolds, what would be thought of the good sense or discretion of the husband, who should threaten her with separation, divorce, disunion? who should use these terrible words upon every petty disagreement in domestic life? No man, who has a heart or right feelings, would employ such idle menaces. He would approach the lady with kind and conciliatory language, and apply those natural and more agreeable remedies, which never fail to restore domestic harmony. [A general burst of laughter, which continued for some time.]

Mr. CALHOUN replied, that if he had really been inconsistent, as the Senator supposes, in reference to the bank, he might find a justification in the example of the Senator himself. The only difference between them would be that the Senator had changed from an anti-

bank to a bank man, and he from a bank to an anti-bank man.

The subject of the bank, and the consistency of himself and the Senator, had been gratuitously introduced, and did not belong to the question under consideration; but as the Senator had thought proper to make the charge of inconsistency, he felt called on to repel it. He, then, had never been, in any proper sense of the term, a bank man, as he had been opposed to the system ever since he had formed a deliberate and mature opinion in relation to it. It is true, he supported the chartering of the late Bank of the United States in 1816, but it is no less true that he was opposed to the system at that time, and so expressed himself in his opening speech on the question. In supporting the bank then, he yielded to what he believed to be the necessity of the case, growing out of the connection between the Government and the banks—a connection which originated before his time, and was beyond his control. He then said that, so long as that connection existed—so long as the Government received and treated bank notes as gold and silver—it was bound to regulate the banks, and that a Bank of the United States was the only efficient and legitimate means of effecting it; and such is still his opinion.

If, then, his course in 1816 and now, was different in relation to the bank, it must be traced to a change of circumstances, and not to a change of opinion. At the former period, the connection between the Government and the banks existed with no prospect of its termination, or the possibility of rescinding it; but, now, fortunately, it has ceased by operation of law; and he, for the first time since he had been in public life, was free to take a position in reference to the bank in conformity to his principles. Four years ago, on questions growing out of the removal of the deposits, he explicitly avowed his opinion, in the strongest terms, against the system. If this was the only charge of inconsistency that could be brought against him in a long political life, he had reason certainly to congratulate himself as not being inconsistent, and he certainly had as much right to accuse the Senator of separating from him, as he had to make the charge against him.

But the Senator is not content with making the charge of inconsistency. He makes the grave accusation against him of alluding to the possible dissolution of the Union; but fortunately for him, there was but a slight difference between the Senator and himself in reference to this accusation. We both speak of the possible dissolution of the Union; the Senator when the bank is the subject of discussion, and he when abolition. That is all; and he might with as much justice charge the Senator with hostility to the Union, as he had him.

But the Senator tells us that we set out in public life together; that we travelled a long time the same road, but have separated. He believed it was true, that we both set out on

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the same principles, and in the same party. We both professed at the start the doctrines of '98, and belonged to the Republican party; and it is true that we are now separated. He left it to the world to judge which had departed from the original faith.

Mr. CLAY. The Senator himself was the first to speak of a radical difference between him and me on all subjects. We set out in life together; but in his opinion the Bank of the United States cut asunder the last chain between us. We were together in '98, and since then we have taken long voyages; but whither did the principles of '98 carry him? into what port? They carried me into the port in which I always anchor—the port of the Union—the whole Union—without the separation from it of any member.

The Senator chose to repeat what is no novelty, but has been often suggested on this floor, that I have changed my opinion as to a Bank of the United States.

[Mr. CALHOUN. I accused him of no change.]

But I have changed, resumed Mr. CLAY; and I have changed with the country. I opposed the old Bank of the United States, on the want of constitutional power, and on other grounds. But the war came, then a suspension of specie payments, and a derangement of the currency; and the whole country cried out for a Bank of the United States. If the country had been adverse to a bank in 1816, it could not have been established. If I am taunted with such a change, I thank God it is the only point of national policy which, in the whole of my public life, I have changed.

In 1815-'16 the constitutional power to establish a bank was admitted. We were then in habits of the greatest intimacy. I was then Speaker of the House, and he at the head of the committee out of which the bank grew. Never then did I hear from him a sentiment adverse to the power of the Government to establish a bank; and when, afterwards, in company with a gentleman from Virginia, I heard it for the first time, mutual surprise was expressed and felt.

Mr. CALHOUN replied, that the Senator draws a feeble conclusion, if he intends to impeach the correctness of his memory in reference to his course in 1816. It would indeed be surprising if, after more than twenty years, the Senator should recollect the position which he assumed in discussion at that time in reference to the banking system, while it is not at all surprising that he should forget it, even if it attracted his attention at the time. Four years since, on an occasion not less memorable, he made the strongest declaration against the system which stands on record, and yet the Senator does not recollect it; and with what propriety, then, can the Senator venture to appeal to the absence of his recollection on the same subject twenty-two years since, with the view of impeaching the correctness of his memory?

Mr. CLAY said he would not controvert the

assertion of the gentleman, but he had not heard him.

WEDNESDAY, January 10:

Mr. Calhoun's Resolutions.

The Senate resumed the consideration of the fifth of these resolutions, together with the substitute offered by Mr. CLAY.

Mr. CALHOUN said that he had examined the amendment of the Senator from Kentucky, (Mr. CLAY,) which had been offered as a substitute for the fifth resolution, and that it was impossible for him to bring his mind to give it his support, or to vote for it if it should be adopted in any thing like its present shape.

It, in the first place, entirely abandoned the Territories to the Abolitionists. His fifth resolution covered both this District and the Territories, but the amendment wholly omitted the latter, and left them defenceless to the invasion of the foe.

He next objected, that it conceded, by almost necessary implication, the right of Congress to appropriate the public funds to purchase and emancipate slaves; a concession among the most dangerous and unconstitutional that could be made. If once admitted, it would be very easy to complete the end the Abolitionists have in view, and that wholly at our expense. If we yield that point, the work will soon be consummated.

His next objection was, that it impliedly admitted it to be the duty of Congress to receive and discuss petitions to abolish slavery in the District: in his opinion a most unflinching and dangerous assumption; but he had so fully expressed his opinion on that point, on former occasions, that he would not now occupy the time of the Senate in repeating the reasons for his opinion.

He finally objected, that the tone of the amendment, and of the remarks with which it was ushered in, was altogether too low for the subject and the occasion. He was adverse to all violence of language, in the expression of legislative opinions; but when the subject was one of such unprovoked outrage on one-half of the States of the Union, and so pregnant with disastrous consequences to all, he could not reconcile it to his impression of propriety to speak in the low and subdued tone of the amendment.

Mr. CLAY said: As to the amendment not providing protection for the Territories in the series of resolutions which he had offered yesterday, there was one that expressly provided for Florida, the only Territory concerned, placed on the strongest grounds.

As to the right of the Government to purchase the slaves in the District, the amendment recognized no such thing. It simply says you cannot emancipate them without compensation. But whether you can do it at all or not, it does not assert.

My idea in framing that resolution was to throw around the District of Columbia every security, in three distinct propositions. One was the plighted faith of this Government in the transaction by which the District was acquired. The next was, that you have no right to abolish slavery here without indemnity. The third was, that you cannot do it without exciting a degree of alarm in the Southern States of this Union—without transcending all the benefits of any results.

The Senator's third objection is to the right of petition involved in the amendment. I warn the Senate that there can be no continuance of the invasion of the right to petition. Mr. C. mentioned a State Legislature that had now under consideration this subject of the invasion of the right of petition; and from Kentucky, a slave country, he had this morning received a letter from one of the most intelligent men, in which he says you cannot maintain your ground; beware how you attempt it. This is a point on which I know I differ from the Senator, and I should regard nothing more fatal than a deliberate determination of this body to invade the right of petition. Does not every State claim in the District equal rights? There is but one measure more fatal than the invasion of the right of petition, and that is to adopt the concluding resolution of the Senator from South Carolina.

The last objection was that the tone of the amendment was subdued; but with what propriety is this charge? It is in language as strong as ever was used. You cannot abolish slavery without a breach of the public faith. Can any thing be stronger? It equals the constitution itself.

Mr. BUCHANAN inquired if he was to understand the Senator from Kentucky as having modified his resolution.

Mr. CLAY said he would readily do so, and accordingly struck out that part of the resolution relating to compensation to the owners of slaves.

Mr. C. said that there was one observation peculiarly applicable to the resolution under consideration. He believed that we had but one Territory, that of Florida; and how could we assert that the abolition of slavery in the District of Columbia, and the Territories of the United States would be a violation of faith, implied in the cession of the District, since Florida was acquired twenty years after the cession.

Mr. PRESTON, with the consent of the Senate, modified his amendment, so as to append the words "violation of the public faith, implied in the cession of the District of Columbia," at the end of the resolution.

The question was taken on Mr. CLAY's amendment or substitute, and it was adopted, as follows:

YEAS.—Messrs. Bayard, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, King, Niles, Preston, Rives, Rob-

inson, Strange, Tallmadge, Tipton, White, and Williams—19.

NAYS.—Messrs. Allen, Benton, Black, Calhoun, Grundy, Hubbard, Lumpkin, Lyon, Nicholas, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Smith of Indiana, Walker, Wright, and Young—18.

The question then occurring on the amendment, as amended,

Mr. BUCHANAN inquired if the question was divisible.

The VICE PRESIDENT replied that, according to Parliamentary rules, the question at its present stage was not divisible.

Mr. STRANGE said: The present discussion had, he believed, done mischief; and the most likely method of counteracting that mischief was by making, in the result, a strong expression of opinion with much unanimity. The apprehension that many of our friends would not go with us upon the fifth resolution in its original terms, had induced him to vote for the adoption of the amendment of the Senator from Kentucky, (Mr. CLAY,) as modified by the Senator from Connecticut, (Mr. NILES.) For himself, he greatly preferred the original resolution, if for no other reason, for its condensation of substance and terseness of style. The advantage of a resolution so constructed had been fully and happily expressed by the Senator from Ohio, (Mr. ALLEN;) but, fearing they could not make so imposing a show upon it as upon the substitute, he had voted for it. He had, in fact, feared an actual defeat. But the result of the vote upon the adoption of the amendment, being 19 to 18, had satisfied him that, in point of numbers, they could do quite or nearly as well upon the original resolution, and, in point of expression much better; and he therefore moved a reconsideration of the vote for the adoption of the amendment.

The question on Mr. STRANGE's motion to reconsider the vote on adopting Mr. CLAY's substitute being taken, it was carried. So Mr. CLAY's resolution then came up as an original question.

Mr. BUCHANAN said that the first part of the amendment which had been proposed by the Senator from Kentucky, as modified by the Senator from Connecticut, (Mr. NILES,) in regard to slavery in the District of Columbia, met his decided approbation. It placed the question upon its true principles. We will not abolish slavery in this District, because it was originally a slave-holding territory, and the surrounding States by which it was ceded are still slave-holding States; and because it would establish in the midst of them a place of refuge for their fugitive slaves; it would be destructive of the rights and security of their citizens, and would erect a citadel from whence to scatter the seeds of servile insurrection throughout their borders. Now he wished a distinct vote to be taken upon that portion of the amendment which related exclusively to the District of Columbia, and he supposed this could only be obtained by striking out all that portion of

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the amendment which related to Florida and the Indian country. In making this motion, he desired to be distinctly understood. He did not wish to prevent a direct vote on this second portion of the resolution. It could be offered afterwards as a substantive resolution. All he desired was to detach that portion of the amendment which related to this District from what followed; and thus obtain the strongest possible vote in its favor. Mr. B. concluded by moving to strike out the second part of the resolution.

Mr. SEVIER was perfectly satisfied with the resolution of the Senator from Kentucky, and regretted that the Senator from South Carolina had not consented to receive it. As for the second part of the resolution of the Senator from Kentucky, he was in favor of it, and should therefore vote against the motion of the Senator from Pennsylvania.

Mr. BUCHANAN's motion was carried—ayes 24, noes 13.

Mr. KING, of Alabama, to prevent any difficulty, asked the Senator from Pennsylvania if he would agree, in case his motion should prevail, to offer the second part of the resolution as a distinct resolution.

Mr. BUCHANAN replied, *certainly*. He could have no objection to place it in the same situation in which he had found it; without, however, thereby pledging himself to support all the principles which it contained.

Mr. WEBSTER said he could not concur in this resolution. I do not know (said he) any matter of fact, or any ground of argument, on which this affirmation of plighted faith can be sustained. I see nothing by which Congress has tied up its hands, either directly or indirectly, so as to put its clear constitutional power beyond the exercise of its own discretion. I have carefully examined the acts of cession by the States, the act of Congress, the proceedings and history of the times, and I find nothing to lead me to doubt that it was the intention of all parties to leave this, like other subjects belonging to the legislation for the ceded territory, entirely to the discretion and wisdom of Congress. The words of the constitution are clear and plain. None could be clearer or plainer. Congress, by that instrument, has power to exercise exclusive jurisdiction over the ceded territory, in all cases whatsoever. The acts of cession contain no limitation, condition, or qualification whatever, except that, out of abundant caution, there is inserted a *proviso* that nothing in the acts contained should be construed to vest in the United States any right of property in the soil so as to affect the rights of individuals therein, otherwise than as such individuals might themselves transfer their right of soil to the United States. The acts of cession declare that the tract of country "is forever ceded and relinquished to Congress and to the Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside therein, pur-

suant to the tenor and effect of the 8th section of the 1st article of the Constitution of the United States."

Now, that section to which reference is thus expressly made in these deeds of cession, declares that Congress shall have power "to exercise exclusive legislation, in all cases whatsoever, over such District, not exceeding ten miles square, as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States."

Nothing, therefore, as it seems to me, can be clearer than that the States making the cession expected Congress to exercise over the District precisely that power, and neither more nor less, which the constitution had conferred upon it. I do not know how the provision, or the intention, either of the constitution in granting the power, or of the States in making the cession, could be expressed in a manner more absolutely free from all doubt or ambiguity.

If the assertion contained in this resolution be true, a very strange result, as it seems to me, must follow. The resolution affirms that the faith of Congress is pledged indefinitely. It makes no limitation of time or circumstance. If this be so, then it is an obligation that binds forever, as much as if it were one of the prohibitions of the constitution itself. And at all times hereafter, even when in the course of their history, availing themselves of events, or changing their views of policy, the States themselves should make provisions for the emancipation of their slaves, in this District, nevertheless, the existing state of things could not be changed.

Mr. BUCHANAN said, that in his opinion, the Senator from Massachusetts (Mr. WEBSTER) had not placed the question upon its true grounds. He would ask, did any human being suppose that the States of Virginia and Maryland would have ever thought of ceding this District to the United States, if they had imagined that Congress would convert those ten miles square, in the very heart of their territory, into an asylum for their fugitive slaves, and a spot from whence the peace and safety of both were to be constantly endangered? It is true that no *express* faith was pledged in the cession, because no such apprehension was then entertained. If there had been, does any man doubt that they would have insisted upon an express stipulation against such an alarming danger? If (said Mr. B.) I freely grant to you a valuable possession, could you, as an honorable and honest man, think you had a right to wrest this grant from its original purpose, and convert it into an instrument of my destruction? If you know that the gift never would have been made by me, had I supposed you were capable of using it in such a manner, you are under the strongest moral obligation not to pervert it to such a purpose. It is true you may have the constitutional power to abolish slavery in this District; but would it not be a violation of implied faith, under all the circumstances, to exercise this

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power? I think it would, I feel that it would, and therefore shall vote that it would.

Again, said Mr. B., no inference can be drawn from the language of the resolution, that its friends intend that slavery shall exist in the District, after it has been abolished in the surrounding States. In thus supposing, the Senator has misapprehended the terms of the resolution. Abolish slavery in Virginia and Maryland, (said Mr. B.,) and it will no longer, it can no longer, exist in this District. The people of these States had been making rapid strides towards the accomplishment of this object, until they were arrested in their career by the abolition excitement, and the proceedings of the abolition societies. This resolution presented the very point of the question, on which he was willing to stand or to fall. It contemplated the existence of slavery here, so long as it should continue to exist in the surrounding States; but not a day longer. It contained the very principle for which he had always contended, that slavery *here* and slavery *there* must share the same fate.

Mr. WEBSTER. The words of the resolution will speak for themselves. They require no comment. They express an unlimited plighted faith. The honorable member will so see, if he will look at those words. The gentleman asks whether those who made the cession could have expected that Congress would ever have exercised such a power? To this I answer, that I see no reason to doubt that the parties to the cession were as willing to leave this as to leave other powers to the discretion of Congress. I see not the slightest evidence of any especial fear, or any especial care, or concern, on the part of the ceding States, in regard to this particular part of the jurisdiction ceded to Congress. And, I think, I can ask on the other side, a very important question for the consideration of the gentleman himself, and for that of the Senate and the country; and that is, would Congress have accepted the cession with any such restraint upon its constitutional power, either express or understood to be implied? I think not. Looking back to the state of things then existing, and especially to what Congress had done so recently before, when it accepted the cession of the North-western Territory, I entertain no doubt whatever that Congress would have refused the cession if offered with any condition or understanding that its constitutional authority to exercise exclusive legislation over the District in all cases whatsoever should be abridged.

I have said nothing on the expediency of abolition, immediate or gradual, or the reasons which ought to weigh with Congress should that question be proposed. I can well conceive, I think, what would be a natural and fair mode of reasoning on such an occasion.

When it is said, for instance, by way of argument, that Congress, although it have the power, ought not to take a lead in the business of abolition, considering that the interest which

the United States have in the whole subject is vastly less than that which the States have in it, I can understand the propriety and force of the observation. It is, as far as it goes, a pertinent and appropriate argument, and I shall always be ready to give it the full weight belonging to it. When it is argued that, in a case so vital to the States, the States themselves should be allowed to maintain their own policy, and that the Government of the United States ought not to do any thing which shall, directly or indirectly, shake or disturb that policy, this is a line of policy which I can understand; for I have always not only admitted, but insisted, that slavery, within the States, is a subject belonging absolutely and exclusively to the States themselves.

But the present is not an attempt to exhibit any such course of reasoning as this. The attempt is to set up a pledge of the public faith to do the same office, as a constitutional prohibition, in terms, would do; that is, to set up a direct bar, precluding all exercise of the discretion of Congress over the subject. It has been often said in this debate, and I believe it is true, that a decided majority of the Senate do believe that Congress has a clear constitutional power over slavery in this District. But while this constitutional right is admitted, it is at the same moment attempted to be effectually counteracted, overthrown, and done away with by the affirmation of plighted faith, as asserted in the resolution before us.

Now, I have already said I know nothing to support this affirmation. Neither in the acts of cession, nor in the act of Congress accepting the District, nor in any other document, history, publication, or transaction, do I know a single fact or suggestion, supporting this proposition, or tending to support it. Nor has any gentleman, so far as I know, pointed out, or attempted to point out, any such fact, document, transaction, or other evidence. All is left to the general and repeated statement, that such a condition must have been intended by the States. Of all this I see no proof whatever. I see no evidence of any desire on the part of the States thus to limit the power of Congress, or thus to require a pledge against its exercise.

I am altogether unable to see any ground for supposing that either party to the cession had any mental reservation, any unexpressed expectation, or relied on any implied, but unmentioned and unsuggested pledge, whatever. By the constitution, if a district should be ceded to it for the seat of Government, Congress was to have a right, in express terms, to exercise exclusive legislation, in all cases whatsoever. The cession was made and accepted, in pursuance of this power.

As to any provision in the acts of cession stipulating for the security of property, there is none, except only what I have already observed—this condition, that no right of individuals in the soil should be construed to be transferred, but only the jurisdiction. But no doubt all

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rights of property ought to be duly respected by Congress, and all other legislatures.

And since the subject of compensation to the owners of emancipated slaves has been referred to, I take occasion to say, that Congress, if it should think that a wise, just, and politic legislation for this District required them to make compensation for slaves emancipated here, they have the same constitutional authority to make such compensation as to make grants for roads and bridges, alms-houses, penitentiaries, and other similar objects in the District.

Mr. CLAY concurred with Mr. BUCHANAN, and he must express his astonishment that Mr. WEBSTER did not view the matter in the same light. He believed, with Mr. B., that if those States could have imagined that while slavery existed with them it would be ended here, they never would have made the cession. Mr. C. would put it in another shape. Suppose Pennsylvania had ceded a portion of her soil as a site for the Government, then he would ask, if, when Pennsylvania was a non-slaveholding State, it would not be deemed a breach of faith to introduce slavery into the midst of her soil? So in this District it would be a breach of faith to abolish, while the ceding States retained that institution. Besides, when the cession was made, there was an express reservation of the right of property, and therefore this kind of property, being included, was, as a matter of public faith, to be preserved.

Mr. WEBSTER. The honorable member from Kentucky asks the Senate to suppose, that the seat of Government had been fixed in a free State, Pennsylvania for example; and that Congress had attempted to establish slavery in a district over which, as here, it had thus exclusive legislation. He asks whether, in that case, Congress could establish slavery in such a place? This mode of changing the question does not, I think, vary this argument; and I answer at once, that however improbable or improper such an act might be, yet if the power were universal, absolute, and without restriction, it might unquestionably be so exercised.

And in the other cases, of forts, arsenals, &c., if Congress has exclusive and absolute legislative power, it must, of course, have the power, if it could be supposed to be guilty of such a folly, whether proposed to be exercised in a district within a free State, to establish slavery, or in a district in a slave State, to abolish or regulate it; yet, if it be a district over which Congress has, as it has in this District, unlimited power of legislation, it seems to me that whatever would stay the exercise of this power, in either case, must be drawn from discretion, from reasons of justice, and true policy, from those high considerations which ought to influence Congress in questions of such extreme delicacy and importance; and to all these considerations I am willing, and always shall be willing, I trust, to give full weight.

Mr. CALHOUN said that he should succeed in one object he had in view when he introduced

these resolutions—to ascertain the sense of the Senate on the subject of abolition, and how far it was disposed to take ground against it. They embraced two leading propositions that he had hoped to carry out—that neither a State, nor its citizens, had a right to interfere with the peculiar institutions of the other States; and that this Government, as a common agent of the States, has no right, in any of its acts, either in this District or elsewhere, to discriminate between the domestic institutions of the slave-holding and non-slaveholding States, by favoring one, and opposing the other, on any ground whatever.

These were the elevated and strong grounds assumed in the resolutions, and he regretted that they should have been departed from in this resolution as amended. Thus regarded, he should vote for it with much reluctance. The amendment offered by the Senator from Connecticut (Mr. NILES) had removed many of the objections he had to that offered by the Senator from Kentucky, to which it would have been impossible for him to give his assent; and, even as it stood, he should vote for it only on the ground of preserving harmony and union among those whom he believed to be opposed to the Abolitionists.

The question was again taken on the first branch of Mr. CLAY's substitute, and carried—ayes 36, noes 9.

WEDNESDAY, January 11.

Mr. Calhoun's Resolutions.

The Senate resumed the consideration of the resolutions submitted by Mr. CALHOUN on the 27th December, in relation to domestic slavery, the question being on the second branch of Mr. CLAY's substitute to the fifth resolution, which had been struck out yesterday, and reinstated on Mr. BUCHANAN's motion, as follows:

Resolved, That it would be highly inexpedient to abolish slavery in Florida, the only Territory of the United States in which it now exists, because of the serious alarm and just apprehensions which would be thereby excited in the States sustaining that domestic institution; because the people of that Territory have not asked it to be done, and, when admitted as a State into the Union, will be exclusively entitled to decide that question for themselves; and, also, because it would be in violation of a solemn compromise, made at a memorable and critical period in the history of this country,* by which, while slavery was prohibited north, it was admitted south of the line thirty-six degrees and thirty minutes north latitude; and, also, against the treaty stipulation with Spain of 22d February, 1819, which guarantees the right of property.

Mr. BUCHANAN observed that, in pursuance of the pledge given by him last evening, he felt himself bound to bring forward the second

* The Missouri Compromise line being confined by its terms to Louisiana, could not be applicable to Florida, and the reference to it was immediately dropped on objection.

branch of Mr. CLAY's amendment, which had been struck out on his motion, and to leave it as he found it. He had therefore done so, but he did not thereby mean to say that he was in favor of every part of the resolution. He had simply restored it to the place where it was, and he left it to its friends, or rather to the parents of the bantling, the Senators from Kentucky and Alabama.

Mr. KING proposed that so much of the resolution as made mention of the compromise act should be stricken out, and it was stricken out.

Mr. CALHOUN wished to state why he could not vote for the resolution as amended.

The main reason assigned in the resolution as it now stands, why slavery should not be abolished in Florida, was that it would be highly inexpedient. He regarded the reason as wholly fallacious, and that it would be of not the slightest force in staying the tide of abolition. We must bear in mind, that the two points towards which the Abolitionists are directing their attacks, were this District and the Territories. These they considered our weak points; and they were sanguine in the belief, and that not without reason, if they can effect their objects there, the main difficulty in their way would be surmounted. With this knowledge, our policy ought to be to strengthen and fortify those points most effectually. Now, sir, the main barrier which the Senator from Kentucky (Mr. CLAY) proposes to throw around the Territories in this amendment is, that it is inexpedient to abolish slavery in Florida. Will this oppose any obstacle to the assaults of the foe? Let us see how it will operate. An abolition petition to abolish slavery in the Territories is presented to an individual in the non-slaveholding States for his signature. He is opposed to the object, and refuses to sign. He is asked his objections. He answers in the language of this amendment, that, in his opinion, it is highly inexpedient. He then is asked, Do you not consider slavery a political evil? Do you not consider it immoral? Do you not consider it sinful? He answers, Yes, for such will be the answer of nine in ten in the non-slaveholding States. Now mark the reply. He is next asked, How can you justify yourself in refusing to put down what you acknowledge to be immoral, sinful, and a great political evil, on the ground that it is inexpedient? The question is overwhelming, and the petition is signed and a convert made. To stay its progress, far higher grounds must be taken; grounds as high as those assumed by these deluded madmen, and which will show them that, while they are acting in the name of morals and religion, they are violating plighted faith, and subverting the entire fabric of our political system; and, as such, are guilty of violating the most solemn obligations, political, moral, and religious.

Mr. C. next objected, that he disliked the designation of the particular Territory of Florida. The Abolitionists ask to abolish slavery in

the Territories; and we reply, that it is inexpedient to abolish it in Florida, assigning for a reason, that it was our only Territory in which slavery existed. They make a general demand, extending to all Territories that now are, or may be hereafter, created; and we meet this broad and sweeping prayer with the modest answer, that it is inexpedient to abolish it in Florida. In giving this diffident response, are we afraid of offending, or are we indisposed to commit ourselves as to Territories hereafter to be created?

He was glad that the portion of the amendment which referred to the Missouri compromise had been struck out. He was not a member of Congress when that compromise was made, but it is due to candor to state, that his impressions were in its favor; but it is equally due to it to say, that with his present experience, and knowledge of the spirit which then, for the first time, began to disclose itself, that he had entirely changed his opinion. He now believed that it was a dangerous measure, and that it has done much to rouse into action the present spirit. Had it then been met with uncompromising opposition, such as a then distinguished and sagacious member from Virginia, (Mr. RANDOLPH,) now no more, opposed to it, abolition might have been crushed forever in its birth. He then thought of Mr. RANDOLPH, as, he doubts not, many think of him now, who have not fully looked into this subject, that he was too unyielding, too uncompromising, too impracticable; but he had been taught his error, and took pleasure in acknowledging it.

With these views (said Mr. C.) he could not vote for the resolution as it stood, and they were greatly strengthened, when he contrasted it with his fifth resolution, which has been struck out to insert this. That resolution declares that any attempt, by any State or States, or their citizens, or any act or measure of Congress, to abolish slavery in this District, or the Territories, on the ground that it was immoral, or sinful, or otherwise obnoxious, was a dangerous attack on the domestic institutions of all the States. Now (said Mr. C.) what have we done? what have Southern Senators done? Struck down the strong barriers which placed this District and the Territories under the same high constitutional protection with the States themselves, and which made an assault on them an assault on *all* the slave-holding States, and have erected in their place the most feeble of all barriers, that of mere inexpediency. Why was this done? Was it because the resolution struck out asserted any thing false in fact or principle? No one pretended to say so. No: it is time to speak out; to tell the truth; it was because there was more dread of wounding the feelings of the Abolitionists than the people of the slave-holding States. They are more intent on our destruction than we for our own safety. They mark and punish, by withholding their votes, and throwing them in the opposite scale, all who dare oppose

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them; while a feeling of indifference and inattention prevails on the part of the people of the slave-holding States.

Thus regarding the resolution as it stands, he was placed in a position which he did not often occupy. He could not vote for it, for the reasons he has stated; and he would not vote against it, for reasons which must be apparent to all; and he was of course constrained not to vote at all.

Mr. CLAY, of Kentucky, said he was very sorry that the Senator from South Carolina could not reconcile his judgment to vote for the resolution now under consideration. He thought the declaration in the resolution, that abolition was inexpedient, was not strong enough, and that higher grounds ought to be assumed. But what higher grounds? Was any one prepared to say that the naked power of abolition did not exist? Mr. C. spoke of the naked power, and not of its exercise, but the abstract question of the existence of the power. Now, though it did not exist in relation to the States, on the mere question of abstract power, Mr. C. thought the Senator from South Carolina would not declare that it would be unconstitutional for Congress to abolish slavery in the District or Territories. The power, like many others, was not to be exercised, on high considerations, amounting in the District to the plighted faith of the Government, during the existence of a state of things which put a restriction on the exercise of the power; but when that state of things should no longer exist, the power might be exercised. So as to Florida: the power existed, but, for high considerations, was not to be exercised.

The Senator objects because Florida alone is embraced by the resolution. We have stricken out the Indians, regarding them as perfectly safe. And what other Territory but Florida is there in which slavery exists? I framed the resolution as it is, because there is no other such Territory. There are many who send petitions here that appear to be ignorant of this fact, that there is but one such Territory. I wanted them to know that there is but one.

Then the Senator thinks the tone of the resolution is not strong enough. Perhaps he would say that, as slavery is represented as a moral evil, as sinful, we ought to take the opposite ground, and maintain that slavery is not sinful, but in conformity with religion; and he thus maintain the one side, and they the other. And then, he says, the Abolitionists will present a number of questions, which he enumerated. Sir, suppose you should declare slavery accords with the Declaration of Independence, and that it is consistent with every high and holy principle, would it make any converts? Sir, I want to do nothing to aggravate this spirit at the North, and to increase the Abolitionists. I want to prevent the residue of the North from going over to join them. There lies our danger, and there, also, are we to look for safety. The Senator's resolutions are all sound; but

there will nothing be gained by them of safety to the cause, or of permanency to the Union.

The Senator speaks of the compromise on the Missouri question, and refers to the course of a distinguished member from Virginia, who was present on that memorable occasion. There were two compromises: the first was that when the bill passed, authorizing the State to form a separate Government for itself, for admission into the Union. It was then that 36° 30' was fixed as the line of separation. But after the State was admitted into the Union, she introduced a clause into her constitution, by which free persons of color were not to remain within Missouri. There was the great point of difficulty which shook the Union with more alarm than any thing I have seen, from that day to this. It was that compromise for which, I understood the Senator, he would not now have voted.

[Mr. CALHOUN was understood to assent.]

No one (said Mr. CLAY) was anxious to have slavery exist north of that line, except in Missouri. With the second question came the great struggle; and I should not refer to the part taken by Mr. RANDOLPH, whose death I sincerely deplored, if it had not been referred to by the Senator. But I feel compelled to say that at the second compromise, in which nothing was sacrificed by the slave-holding States, and in which a mere matter of form was conceded to the free States, which admitted them a ground to stand on at home, the course of that distinguished member from Virginia came nearer hazarding the Union than any other event in our history. He was opposed to all compromises; and I recollect that when the second compromise was under discussion, I was in the chair, and another member from Virginia fainted under the influence of the fumes of the lamps. He was taken to a back seat, and I went to see how he was; but observing that his case was not dangerous, and that he would soon recover, on my return to the Speaker's chair I met the gentleman from Virginia, who, not having spoken with me before, said, "How do you do, sir; I wish you would go with me to Kentucky." I understood him, and that he proposed in this manner a separation of the Southern delegation, retiring from Congress, and leaving the North in possession of the Government. I replied, "Not now; but I will see you to-morrow morning." In the morning I spent an hour with him, in which he urged me to make no compromise, even provided gentlemen would grant us every thing we wanted, in return for giving the North ground to stand on. We parted, promising to be friends in future; and to the end of the session he never spoke to me again. The two words [dough (doe) faces] with which that gentleman raved and taunted our Northern friends, did more injury than any two words I have ever known. Sir, I hope no similar course will be pursued by any one at the present day, in respect to any portion of the delegation of the country. And, sir, I tell

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the Senator, that I think if he would deal more calmly with all parts of the Union, and say to them that the South are animated to a man on this subject, and would vindicate their rights; if he would turn to the quarter where the blaze is, and endeavor to extinguish the flame and not to aggravate it; if he would unite with us, to bring the whole country together as in one band of brethren in the same public vessel, I think the result would be more happy.

MR. CALHOUN moved to amend MR. CLAY's substitute by inserting the words "dangerous attack upon the States in which slavery exists."

MR. BUCHANAN thought the debate had now become exceedingly dull. It had almost worn itself out, and was now dragging its dull length along. He would not, however, suffer it to close without making a few observations, in consequence of what had repeatedly fallen from the Senator from South Carolina, (MR. CALHOUN,)

It had been often said, in the course of this debate, that these resolutions were intended as a platform on which we of the North, who were disposed to sustain the constitutional rights of the South, might stand, and defend ourselves against the attacks of the Abolitionists. Now, for his part, he disclaimed the idea of having any such platform erected for him. We can sustain ourselves better without it. "The blood of Douglas can protect itself." All we desire upon this question is, "hands off." We know best how to fight our own battles.

These resolutions had emanated from the South; and he most fervently hoped that they might do some good in tranquillizing and soothing the feelings of the people there, and in convincing them that they had numerous friends in the North, who would stand by them in any emergency. He protested, however, against the idea that they were passed for the benefit of the North.

Some commiseration (said MR. B.) has been expressed for our situation. It has been said that our intentions were very good, and that we would be willing to go further, if we dared to do so. Now, he protested against any such inference. He had always gone as far as his sense of right and justice dictated, and if there had not been an Abolitionist in existence, he would have gone no further. We wanted no platform on which to stand, save the constitution of our country. What fanatic had there ever been in the North so mad as to assert that we had any right to attack slavery in the States where it exists? That principle had been settled by the first Congress, and that principle, so long as he held a seat in the Senate, he should maintain to the death. These have been the motives of my conduct throughout upon these resolutions. They are a Southern, and not a Northern, measure; intended for the benefit of the South, rather than the North. In the portion of the Union from which he came, we deprecate agitation and excitement from this source.

We adopted one resolution yesterday in regard to slavery in the District of Columbia, which may have a good effect in the North. Opinions which are united there against any interference with slavery in the States, are not so unanimous in regard to this District. That resolution places the subject on its true principles, and will strike the common sense of all impartial men as just and expedient. It asserts the proposition that when Congress accepted the cession, there was an implied faith pledged to the ceding States that we should not convert that act of their kindness into an instrument of their destruction; and that whilst slavery existed in them, it should not be abolished within these ten miles square in the midst of their territories. The avowal of this distinct principle by the Senate, for which he had always contended, might be productive of beneficial effects in the Northern States.

The second part of the resolution of the Senator from Kentucky had been offered by him (MR. B.) as a distinct proposition this morning. He had pledged himself yesterday to bring it forward in this shape, provided the Senate would then strike it out of the amendment, and take a separate vote on the remaining portion of it, which related exclusively to the District of Columbia. This had been done; and thus the resolution had, strangely enough, become the child of his adoption, though not of his affections. After it had been amended by striking from it the Indian territory, and modified and remodified in such a manner as to suit the views of the partnership concern between the Senators from New Hampshire and Kentucky, (Messrs. HUBBARD and CLAY,) he (MR. B.) would have cheerfully given it his support. He was, therefore, much astonished and disappointed when these two Senators, apparently without the slightest regard for their own offspring, consented to abandon it without a struggle. He greatly preferred it to the substitute offered by the Senator from Mississippi, (MR. WALKER,) which they had accepted, and which was now before the Senate. The truth was, that the resolution which he had offered this morning, to redeem his promise, had undergone so many modifications, and mystifications to make it conform to the views of everybody who desired any change, that no man who was acquainted with its original features could imagine how it had been transformed into the resolution now before the Senate. But so it was. We once had a Senator from New Hampshire, (MR. HILL,) who was made of sterner stuff than to have yielded up his resolution to the solicitations of gentlemen, as the present Senator from that State had done. And here, as he had alluded to that Senator without having previously intended it, he would take occasion to say of him, that he was a man of strong and determined character, and was a good lover as well as a good hater. MR. B. had never met on that floor a Senator who possessed more extensive and minute political information in regard to

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our domestic affairs, and however much he may have been traduced, there was no man in the Senate, at the present day, who loved his country better. He well recollected the time when that Senator had formed a coalition with the Senator from Kentucky, and they had fought the battle together without yielding a single inch. It is true that but a small force was rallied under their united banner. He (Mr. R.) was almost their only follower; but they never thought of surrendering. He could have wished that the new coalition between the present Senator from New Hampshire and the Senator from Kentucky, had been animated by the same spirit. At the instance of many gentlemen, the resolution had been changed, rechanged, and modified, until he had become tired of the process. He had determined for himself to quit setting to every new partner that might offer. He would now consent to take the last edition of the resolution, as it had come from the hands of the Senator from Mississippi, (Mr. WALKER,) but he would not, for one, agree to any other changes.

Mr. CALHOUN said, that the remarks of the Senator from Pennsylvania were of a character that he could not permit then to pass in silence. He understood the Senator to say that he (Mr. BUCHANAN) had been actuated solely by the desire to soothe and tranquillize the feelings of the South, or, in other words, in pity of her weakness and fears. [Mr. B. shook his head.] Mr. C. said he would be glad to understand what the Senator did mean.

Was he to understand the Senator that all he said about soothing and tranquillizing the feelings of the South, originated in a belief that these resolutions were intended for that purpose by the mover? If so, he would tell him that he was grossly mistaken. She needed not this, nor any other measure, to tranquillize her. She was calm and collected, and instead of being agitated, was too indifferent. She had no fears for herself. She was full of resources, and would, he trusted, be prepared to meet the crisis, whenever forced on her by the injustice, or insults, of the other portion of the Union. No: these resolutions originated in far different motives—from a sincere desire to prevent, if possible, the shock to which the present current of events was rapidly leading, and which, if not prevented, would bring to the ground the institutions of the country. He was anxious, before it was too late, to present some common constitutional ground on which the reflecting, and patriotic, of every quarter of the Union, might rally, to arrest the approaching catastrophe, and avert what the North was at least as much interested to do as the South. A platform for that purpose (if the Senator preferred the word) was indispensable, if it be thought worth while to oppose the coming disasters.

But the Senator exclaimed, speaking in relation to the two sections of the country, hands off! The North says, hands off, to the South! The Senator, in the name of his constituents,

says, hands off to me, in the name of mine, when he knows that a large portion of them are daily and hourly, in violation of the constitution, and the most solemnly plighted faith, aiming a most deadly blow, not simply at our peace and prosperity, but at our very existence as a people! When did the South ever place her hand on the North? When did she ever interfere with her peculiar institutions? When did she ever aim a blow at her peace and security? When did she ever demand more than naked, sheer justice of the Union? Never! never! And can we reverse these questions, and have the same response from the North? With what propriety or justice, then, can the Senator proclaim, hands off to us—the aggressor to the aggressed?

Mr. BUCHANAN was very sorry that the Senator from South Carolina had misunderstood his remarks. He trusted and believed that his course upon this subject, had been such as to place him above all suspicion. He could not believe that any other Senator had fallen into the same mistake. The ardor of the gentleman's feelings upon this subject must have blinded his judgment.

The commiseration which I said had been expressed by himself and others for our condition in the North, he understood directly the reverse of what my words imported, and had construed them into an expression of pity and commiseration, on my part, for the condition of the people of the South. Such an idea as that of applying the term *pity* to that gallant people, had never entered my mind. They are far above it. I know them too well, and respect them too highly, to have ever thought of applying to them any such term.

He did not blame the Senator from South Carolina for having introduced those resolutions. Certainly not. Had he not voted for them, one and all, except that which related to the District of Columbia, and instead of that one, he had voted for another on the same subject, which he solemnly believed would be productive of greater good? Now what he had disclaimed, and what he meant to disclaim, was that these resolutions were intended for the benefit of the friends of the Union in the North. They had not been brought forward by the North, but by the South: and hence it was fair to infer that their purpose was to satisfy and tranquillize public opinion in that portion of the Union. He had voted for them with pleasure, under this belief: and he trusted that our friends in the South would now be convinced that we were ready to stand by them in the assertion and maintenance of all their constitutional rights over their slaves.

These resolutions could not aid him at home. There the battle had been already fought, and what part he had taken in it two years ago, was well known to every man in the country who had thought his humble career worthy of any observation. He was fully convinced that the protracted discussion of the abolition ques-

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tion here at this time could do the friends of the Union in the North little, if any good; he wished he were convinced that it would do them no harm. This was the great centre of agitation. When it was commenced here, its baneful influence must spread over the whole Union. Deeply impressed with the belief, he had for two years, when abolition memorials were presented, uniformly voted in favor of such a disposition of them as would prevent useless and dangerous discussion upon this theatre.

Mr. CALHOUN said, that in compliance with the urgent wishes of his friends, rather than with his own judgment, he would consent to vote for the resolution as amended. It had undergone important modifications, making it out stronger than at first, but yet it was still very feeble, and not at all suited to the occasion.

On taking the question to agree to the resolution as modified, namely:

Resolved, That any attempts of Congress to abolish slavery in any Territory of the United States, in which it exists, would create serious alarm and just apprehension in the States sustaining that domestic institution; would be a violation of good faith towards the inhabitants of any such Territory who have been permitted to settle with, and hold slaves therein; because the people of any such Territory have not asked for the abolition of slavery therein; and because, when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to decide that question exclusively for themselves:

It was determined in the affirmative—

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, Merrick, Nicholas, Niles, Norvell, Pierce, Preston, Rives, Roan, Robinson, Sevier, Smith of Connecticut, Strange, Tipton, Walker, White, Williams, Wright, and Young—35.

NAYS.—Messrs. Clayton, Davis, Knight, McKean, Prentiss, Robbins, Smith of Indiana, Swift, and Webster—9.

THURSDAY, January 12.

Mr. Calhoun's Resolutions.

The Senate resumed the consideration of the resolutions submitted by Mr. CALHOUN on the 27th of December, in relation to Domestic Slavery, the sixth resolution being under consideration.

Mr. CALHOUN said that frequent attacks had been made on the resolution under consideration, in advance, which he did not think were altogether fair. The Senate had determined to consider each resolution by itself. We had now arrived at the sixth, and one of the most important in the whole series. He had reviewed it with care, and believed it was critically true and correct in all its parts; and now stood prepared to meet and repel, he trusted successfully, all attacks that might be made on it.

Its first and fundamental position is, that the Union rests on an equality among the several States that compose it. To support so obvious a truth, he did not deem it necessary to cite various parts of the constitution, which expressly recognize it; nor to refer to the journals of the convention that formed the constitution, nor the debates of the conventions of the States by which it was adopted; all of which would prove that it was constantly acted on as the principle on which the Union rested, and that, as such, it was watched throughout with the greatest care and jealousy.

The next position assumed was, that whatever destroyed this equality, tended to destroy the Union itself. One so manifestly and irresistibly true, if the first be conceded, as not to admit of dispute.

The next declares that it is the solemn duty of all, but especially of this body, which represented the States in their corporate capacity, to resist all attempts to discriminate between the States, in the action of this Government, so as to give one an advantage over another, which is no less clear.

The next asserts, that to refuse to extend to the Southern and Western States any advantage fairly due them, and which might tend to strengthen them, or render them more secure, by extending their limits and population by the annexation of additional territories or new States, on the ground that their domestic institutions were sinful, immoral, or otherwise obnoxious, would be contrary to that equality intended to be secured by the constitution alike to all the members of the Union. It claims nothing for the Southern and Western States on account of their domestic institutions. It simply asserts, that to withhold advantages on their account, to which they would otherwise be fairly entitled, would be contrary to the equality to which, as members of the Union, they are entitled. It does not affirm that new territory or States (Texas in a word) should be annexed. That is left an open question, to be decided whenever it may be presented, on its general merits, in reference to the whole, as well as the adjacent section, and not on the ground of the peculiar character of the domestic institutions of the States of that section, on which the Vermont resolutions and the hundreds of petitions which have been presented, place it.

Thus regarded, he would ask if there was any one who would venture to controvert this position?

It is next and finally asserted in the resolution, that to withhold from the Southern and Western States the equality of advantages to which they are entitled, would be, in effect, to disfranchise them, and to subject them to all the burdens of the Government, without its advantages—a proposition too clear to admit of argument or illustration. He had now stated clearly and distinctly every position taken in the resolution, and he called on the Senator from

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Kentucky, (Mr. CLAY,) and others who had attacked it in advance, to bring forward their objections now, when the resolution is before us, and when their assaults can be fairly met. All he asked was, that their objections should be specific—no generalities; no abstractions.

Mr. PRESTON moved to lay the resolution on the table, on the ground that this branch of the subject would be more appropriately discussed in connection with the resolutions introduced by him for the annexation of Texas, and because it would be more advantageous to the interests of the South to take the question involved on the Texas resolutions.

Mr. CALHOUN would assure his colleague that he had not the slightest intention to interfere with his resolution in reference to Texas;* nor did he think there could, by possibility, be any interference. They related to different objects. His was introduced, as antagonist to the Vermont resolutions, and the various petitions against the domestic institutions of the South. Among other objections, they took position against the annexation of Texas to the Union, on the ground that our peculiar institutions were sinful and immoral. In drawing up these resolutions, he felt himself compelled to cover the whole ground assumed against us, and could not by possibility omit so prominent a one as the objection to the annexation of Texas, without a manifest surrender of one of our most important points to the Abolitionists.

The resolution of his colleague was, on the contrary, a direct question of annexation, which opened the whole ground, in the broadest view of policy and the constitution. The only effect of the adoption of his resolution would be to raise one of these questions, and that not the least embarrassing, and as such could have no possible injurious effect on the resolution offered by his colleague. But he understood his colleague to say, that a decision on his (Mr. C.'s) resolution could be had under his, which was broader, and that it would be more easy to get a favorable decision on the whole question than on the isolated point which his presented.

Mr. C. said he could not but believe that his colleague was mistaken. Even an affirmative decision would not cover the broad and general principle of equality, and would discriminate between the institutions of the States of the Union, which his resolution asserted, and which he believed to be all-important to the slaveholding States to be recognized. Nothing more could be inferred from such a decision than that, under all the circumstances of the case, it was expedient to annex Texas, without a distinct recognition of any one principle on which it might be admitted. But he could not think, with his colleague, that it would be more easy to annex Texas than to pass the resolution under consideration. It presented but a single point, and that so unquestionable as to com-

mand the assent of all who did not deny so fundamental a principle of our Union as the political equality of the members who composed it; while his colleague's presented, and would have to encounter, all the possible objections which could be urged against the annexation, constitutionally; and all objections as to time, as to mode, as to its effects on our relations with Mexico, as to its disturbing the equilibrium of the Union, as to the hazard of extending its present limits, as to its constitutionality, and many others besides the one presented in his resolutions.

His colleague had objected to acting on this resolution, on the ground that it would bring up the whole Texan question. He must think that he was mistaken in his suppositions. The debate heretofore has been strictly confined to the questions involved in the resolutions, and he saw no reason to believe that there would be a departure on the present occasion. Its decision involved none of the regular and fair objections that might be urged against its admission. To involve them in the discussion, would be unfair, and would be a tacit confession, on the part of those who should force such topics into the discussion, that his resolution was true, and could not be fairly met. He could not believe the able members, who he expected would be opposed to the resolution, would take a course so unworthy of them. If they believe the resolution to be true, he expected them to say so, and to vote for it; but if not, to say so, and to assign their reasons boldly and directly, and not to kill it by arguments foreign to the question.

In conclusion, he expressed his regret that his colleague should think proper to make the motion he did, and would assure him that, whatever might be their difference of opinion on the great political questions of the day, he would, on all occasions, abstain from making any motion to embarrass any measure which he might think proper to introduce.

After some further remarks from Mr. PRESTON, the question was taken on his motion to lay the resolution on the table, and it was adopted—

YEAS.—Messrs. Allen, Bayard, Benton, Black, Brown, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lyon, McKean, Merrick, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Strange, Swift, Tallmadge, Tipton, Webster, White, Williams, and Wright—35.

NAYS.—Messrs. Calhoun, Clay of Alabama, Fulton, Lumpkin, Roane, Robinson, Sevier, Walker, and Young—9.

So the resolution was ordered to lie on the table.

MONDAY, January 15.

Neutral Relations.

The bill to amend the act in addition to the act for the punishment of certain crimes against the United States, was taken up.

* Mr. Calhoun's resolutions were introduced on the 27th December, and Mr. Preston's on the 4th January, on a previous notice, given early in the session.

MR. BUCHANAN said: The Committee on Foreign Relations have carefully examined the act of the 20th April, 1818, which embodied all the former laws on the subject of our neutral relations, and have found that it is well adapted to enforce the observance of our duties towards belligerent nations. They, therefore, do not propose to make any material change in its provisions. Under that law, the citizens of the United States are not prohibited from carrying on any trade sanctioned by the laws of nations; nor is it the purpose of this bill to abridge or interfere with any such lawful trade. The citizens of the United States have an unquestionable right to sell arms and munitions of war to the citizens or subjects of belligerent powers who come here to purchase them, without any violation of our neutral obligations. After this purchase has been made, the buyer must get these articles to the place of their destination as well as he can. If they are captured beyond the jurisdiction of this country, by the forces of his enemy, he sustains the loss; but that enemy has no right to ask our Government to prevent such sales. Again: any citizen of the United States may carry arms and munitions of war for sale to one belligerent nation without violating the neutrality of his country towards the other. Such a trade is not prohibited by the law of nations. It is true that such articles, if captured by the enemy on their passage, will be forfeited as contraband of war; but this is the only penalty imposed on such a trade by the law of nations. It is a question in which the Government of the neutral country has no concern. Our policy has ever been to promote the greatest freedom of commerce consistent with our neutral obligations. As regards our trade by sea with all foreign nations in arms and munitions of war, this bill makes no change.

We have three neighbors on our frontiers, Canada, Texas, and Mexico; and the duties of good neighborhood required something more from us in relation to them than could be strictly demanded under the law of nations. In Europe, reciprocal treaties between conterminous nations generally regulate this matter. In order to preserve peace along the frontiers, it is absolutely necessary that such regulations should exist. It is against all reason and justice, that in case of a sudden commotion in a neighboring country along our frontiers, the citizens of the United States should be permitted to take part with the insurgents, by furnishing them with vessels, arms, and munitions of war, for the express purpose of aiding and assisting in such hostilities. If this be tolerated, then it is in the power of the people along the borders of our country to force the whole nation into a war, whenever any number of dissatisfied individuals rise against the established Government of a neighboring State. It is our duty to prevent our citizens from aiding in every revolutionary movement against a neighboring Government. To prevent and to

remedy such evils, is the sole object of the present bill. This bill inflicts no penalties whatever: it is a measure of prevention, not of punishment. The first section provides for the seizure of any vessel belonging to a citizen of the United States, and of the arms and munitions of war which may be found therein, which is about to pass our frontier, when the circumstances of the case shall render it probable that she is destined to be employed in carrying on hostilities against the citizens, subjects, or property of a conterminous friendly State or Territory, or in giving aid or comfort to the persons carrying on such hostilities, by conveying to their assistance men, arms, or munitions of war. The vessel and the arms thus seized are to be restored to the owner, as soon as he gives security that they shall not be employed in violating the provisions of the bill. In case he shall not give such security, they will be detained until the President orders them to be restored. It will strike every Senator at once, that such a provision is necessary to preserve the tranquillity of the country along the lakes and rivers which are the boundaries of our territory.

The second section makes a similar provision for the seizure and detention of arms and munitions of war belonging to a citizen of the United States, when the circumstances of the case render it probable that they are about to be carried across the frontier for the same hostile purposes.

Such provisions are not new to our law. The 10th and 11th sections of the act of April, 1818, afford a precedent for the first two sections of this bill. The owner of any vessel described in those sections, before it is permitted to leave the United States, is obliged to give security that it shall not be employed in carrying on hostilities against a friendly power.

Mr. B. said he had seen a letter from Col. McNabb, commanding a portion of her Britannic Majesty's forces in Canada, in which he not only avows that the outrage on the steamboat *Caroline* was committed by his orders, but he glories in the deed. He fancies that a captain in the royal navy has acquired fresh laurels by becoming his agent in conducting this cowardly attack upon our unarmed and unsuspecting citizens. If any thing were wanting to aggravate the enormity of this wanton outrage upon our territory and jurisdiction, it would be found in its open avowal of justification by a British officer, high in command. The British Government would have had an equal right to send one of their ships of war into the harbor of Boston or New York, to capture any American vessel at anchor there, which they suspected of hostile intentions against their country. The sovereignty and jurisdiction of the United States over our own territory has been grossly violated; and if any thing could prevent him from doing his duty in regard to this bill, it would be the indignant feelings which had been excited in his bosom by a perusal of this letter of Col.

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McNabb. But the wrong which we have suffered ought not to prevent us from doing justice. We were bound to perform our duties towards all nations; and we were imperatively bound to demand of the British Government to hold Colonel McNabb to a strict account for his conduct.

He would now conclude, by offering three sections as a substitute for the first three sections of the bill. The purpose was to render the bill more specific.

Mr. RUGGLES hoped the Senator from Pennsylvania would not press the consideration of his amendment at the present time. He was not now prepared to say what effect the provisions of the bill would have upon the condition of things on our North-eastern border. It is doubtless in the recollection of the committee, that a large portion of the territory of Maine is now, and has been for a number of years, in the possession of Great Britain. If troops or arms should be transported into that part of the territory of Maine by the Government of that State, for the purpose of taking possession of and defending it, would it be a violation of the provisions of the bill, and justify the President in ordering their apprehension and seizure? If this Government does not protect her jurisdictional rights, he trusted she would be left at liberty to defend her own soil. He said it was understood that despatches had been recently received from the British Government, or are soon expected. They might perhaps contain something from that Government relating to the subject of the boundary. If satisfactory, very well. If the matter is left where it has been for the last eight or ten years, it will be time to consider whether our relations with that Government require the passage of this bill, or what modifications it ought to receive.

Mr. BUCHANAN said: The amendment he had proposed to this bill did not vary its several principles in any respect; but it confined their operation, in express terms, to the foreign States and colonies continuous with the United States. The committee thought that the bill required this amendment; otherwise it might possibly interfere with the general law which regulated our trade with foreign nations. If the Senator (Mr. RUGGLES) had any amendment to offer in reference to Maine, it would be as well to consider it now as at any other time. The committee had charged him with the duty of bringing forward this bill at the earliest period, and it was his fault, perhaps, that it had been delayed till the abolition question was determined.

Mr. RUGGLES did not wish to be understood by that Senator, nor by the Senate, as having any disposition to throw unreasonable embarrassments in the way of the progress of the bill. He alluded to the information we have received this morning, that the gross and flagrant outrage on the Niagara frontier, (he referred to the attack upon, and destruction of

the Caroline,) was avowed by the commanding officer in that vicinity, as having been committed by his direction.

Mr. BUCHANAN considered that it would be very unfortunate if the question of the Maine boundary should be mixed up with the matters contained in this bill. At present, he understood from high authority, that an answer was daily expected at the Department of State, from the British Government, to the last proposition made by this Government. The negotiation was about to close; and, at this moment, to take the question out of the hands of the Executive, would, in his opinion, be exceedingly ill-timed.

The amendment did no more than to define, with greater precision, the objects to which the bill was intended to apply.

The amendments were agreed to, and the bill made the order of the day for to-morrow.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 16.

Mississippi Election.

Mr. BRONSON moved the following resolutions:

Resolved, That S. S. Prentiss and Thomas J. Word are not members of the 25th Congress, and are not entitled to seats in this House.

Mr. WISE moved the preliminary motion that the gentlemen referred to have leave to appear within the bar of the House.

Mr. BELL referred to the case of Arnold of Tennessee, and proposed to amend the resolution so as to make it conform to the precedent established in that case, as follows:

Resolved, That S. S. Prentiss and Thomas J. Word have leave to occupy seats within the bar of this House pending the discussion of the report of the Committee of Elections upon their application; and that they have leave to speak to the merits of their application, and the report of the committee thereon.

Mr. WISE accepted the modification, and the resolution was agreed to.

The SPEAKER then directed the officers of the House to provide seats for Messrs. Prentiss and Word, and informed them that they were at liberty to address the House in relation to their application.

Mr. HOWARD renewed his application to present a paper prepared by Mr. CLAIBORNE, one of the sitting members, who was confined to his bed from illness, which was read as follows:

[EXTRACT.]

Mr. Claiborne's Argument.

A severe illness, which confines me to my room, will prevent my taking part, personally, in the discussion of the questions in which I am interested, growing out of the recent elections in the State of Mississippi. I feel it to be proper and necessary, therefore, to communicate, in writing, those views

which, were I able, I should, at a fitting time, express on the floor of the House of Representatives. This course seems to be the more requisite, inasmuch as my colleague, who has a joint interest with me in the subject, is also confined to his room by indisposition.

I am fully aware of the kindness and ability of the friends who, in my absence, will maintain my rights; and perhaps I may only weaken the effect of their exertions in my behalf, by what I may now say. I believe, too, that no unfair advantage of my absence would be taken by any one member of the House. But it is right that the views entertained by me should be expressed, in justice to myself, so that, whatever may be the result, there may remain some evidence that I supported, to the best of my ability, what I conceive to be the cause of those whose votes entitled me to a seat upon the floor; and that there may be no ground for saying hereafter, that, from overweening confidence, or carelessness, or doubt, I did not avail myself of the best opportunity of doing so that circumstances afforded. I am fully persuaded, too, that the gentlemen who claim the seats of my colleague and myself, would themselves prefer that we should adopt this mode of presenting our views to the House; so that their success, were they to succeed even, might not, in any degree, be attributable to our absence or our silence.

At the special session in September last, the House, after full investigation, decided that my colleague and myself were entitled to our seats for the entire term of the 25th Congress. The question then settled was one of law, arising out of the Constitution of the United States and the laws of the State of Mississippi. The only facts involved were the proclamation of the Governor of that State, and the consequent election, by a majority of votes, of my colleague and myself; facts which no one then or since has pretended to deny, and the evidence of which was before the Committee of Elections, and afterwards before the House. Although we were the only persons claiming seats as members elect from Mississippi, the decision made in our case cannot be termed an *ex parte* one. An *ex parte* decision is one in which the facts on one side only are exhibited; or, all the facts being exhibited, the argument on one side only is heard. In the case of my colleague and myself, our right to qualify was denied and put in issue, when we presented ourselves for that purpose, before the House was organized. The affirmative and negative of the proposition were distinctly made out, and their respective supporters in the House were arrayed against each other. My colleague and myself were, in fact, placed, by the course that was pursued, upon the defensive; and in the prolonged debate to which the subject gave rise, the talent, industry, perseverance, and warmth manifested on both sides, left nothing unsaid which, by way of argument or illustration, could be brought to bear upon the questions involved in the discussion. Neither for want of facts nor of argument, therefore, can the decision of the House, in September last, in the matter of the Mississippi election, be called an *ex parte* one; but it must be considered as a grave and solemn adjudication deliberately made by the competent and only authority.

The question that now presents itself is, Shall the decision thus made, be reviewed, to the end that it may be reversed; because, differing in opinion from a majority of the House of Representatives, the Governor of Mississippi, pursuing the literal tenor of a law of that State, has ordered a new election to fill a supposed vacancy in its representation, after the

House of Representatives, the only constitutional judge in the matter, had determined that no such vacancy existed? Had the new election not been ordered, or had the present claimants not appeared, it is not for a moment to be supposed that the House of Representatives, of its own motion, would have reversed its decision in favor of my colleague and myself, at this or at any other time. Is there any thing in the facts which requires it to do so now? Has any new fact necessary to a correct decision been brought to light, which was not before the Committee of Elections and the House in September last?

I have heard it suggested that, in September, the credentials of my colleague and myself were not before the committee. Now, it is well known that the credentials of a member elect are rarely, if ever, demanded, when he presents himself to qualify; and that, perhaps, not one-half of the members have their credentials in their possession. All that is necessary is satisfactory evidence of the election of the individual. The law points out no particular mode in which this is to be given. The House, which, by the constitution, is "the judge of the elections, returns, and qualifications, of its own members," is the judge, necessarily, of the evidence of their election, or, in other words, their credentials; and cases have occurred in which the House, not satisfied with the evidence of election presented, has taken testimony to show that the party presenting it has received illegal votes; and therefore, although holding the ordinary credentials, was not entitled to his seat. The credentials of the ordinary form are, therefore, of themselves, of no binding authority; and if the exhibition of them would not estop an examination into our title to our seats, the want of them, if the House were satisfied of our election by other means, could not defeat our title: this is evident. The evidence of our right to our seats, presented in September last, was a statement from the Secretary of State of Mississippi, under the great seal of office, of the votes cast in the then recent (July) election. The ordinary certificate of election, or credentials, were forwarded to my colleague, but never received by him. Those sent to me were received; but, perceiving that they contained the limitation of the term of service mentioned in the Governor's writ to hold the election, we applied for, and obtained, the statement from the Secretary of State to be used in their stead. All this was distinctly stated by us to the Committee of Elections in September last. Now the only matter which appeared in the credentials, besides the election of my colleague and myself, was, that we were elected for the special session only. This is all that is pretended. Had this appeared in the credentials only—had we, by not presenting the credentials, withheld the only evidence of this matter, there would be some ground for the suggestion now made, that the credentials, not having been before the committee or the House, all the facts were not presented; and that the case, at this time, should be reopened to let in a new fact. But is this so? Why, what was the question that so long occupied the attention of the House in September? Did it not grow out of the very fact, now pretended to be a new one, that the Governor's writ was for an election for the special session only? Was not the only question before the House, the question whether we were elected for the special session, or for the whole term of the Congress? And is it not strange that it should be contended now, that the House was without evidence of the fact, the existence of which—the

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Vermont Anti-Slavery Resolutions.

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uncontroverted truth of which—was the sole cause of all the protracted and excited debate to which the Mississippi election of July gave rise? The fact that we received a majority of the votes then cast, was undeniable. The fact that those votes were given at an election held under a writ ordering one for a less period than the entire Congress, was also undeniable; and out of this fact grew the only discussion that took place.

It has also been suggested that the official proclamation of the Secretary of State of Mississippi, summing up the whole number of votes given, was not presented by my colleague or myself to the committee in September last. Such proclamation was never given to us; but if it had been, and we had presented it, it would have only amounted to proof, in a different form, of that of which other proof had already satisfied the committee, and which was not then, nor has it since been, denied—our election by a majority of the votes cast under a writ ordering an election for a less period than the whole term of the Twenty-fifth Congress.

I have thus shown that there were no facts existing at the time the House decided the rights of my colleague and myself to our seats, which were not then known to the House; and that the matter now suggested as new, so far from being so, is the very matter that gave rise to the discussions of September. The fact is independent of the form in which it is presented: and, whether the House was informed that the election at which we were chosen representatives was held for a shorter term than the whole Congress, by the production of the Governor's writ, the proclamation of the Secretary of State, the exhibition of credentials in the ordinary form, or universal admission of the fact, is immaterial, if the House was in the possession of the fact when it came to its decision.

JOHN F. H. CLAIBORNE.

January 15, 1838.

IN SENATE.

TUESDAY, January 16.

Vermont Anti-Slavery Resolutions.

Mr. SWIFT said he had given notice of his intention at a future day to present the report and resolutions of the State of Vermont, which had been offered on a former occasion, but withdrawn. His intention was not to bring them before the Senate until the discussion on the resolutions introduced by the Senator from South Carolina (Mr. CALHOUN) had been finished. As that discussion was presumed to be terminated, he would now introduce them. He would offer no other apology for presenting them now, than the duty he owed to his State. The resolutions spoke for themselves; nor did Vermont require him to vindicate them on that floor. He expressed his regret, however, that they should have been so harshly assailed as they had been. Not only the sentiments contained in them, but the motives of those who adopted them, had been subjects of unjust censure and reproach. What principles were asserted that should call forth the invectives that had fallen from gentlemen on the opposite side

of the House? It was contended that Congress had the power, and it was respectfully asked to exercise that power, in abolishing slavery in the District of Columbia, over which it was presumed to have exclusive control. Could any just exception be taken to that? Nothing has been hinted by the Legislature of Vermont, that Congress ought to interfere with slavery in the States. Such an opinion was nowhere breathed in the document before them. One of the resolutions in question had not passed the Legislature, but received the sanction of the popular branch only, that might have asserted doctrines offensive to the South. It was not Vermont only that was opposed to the extension of slavery, but it was the general feeling throughout the Northern States. The annexation of Texas, which was looked to by the South to give it preponderance over the North, was presumed by many to involve principles of high national importance.

Mr. PRESTON presumed the document would not have been presented, unless under authority of command, in obedience to higher powers, where the servant could exercise no discretion. Coming from a sovereign State, we were, he presumed, bound to treat it with respect and deference. Vermont certainly had the right to come here, and her memorials were entitled to reception and consideration. But the question was whether we were to respect *that* Government more than *this* Government. Respect was certainly mutual and co-relative. He was disposed to speak with great forbearance on the subject. Here was a report wantonly presented, characterized by language which, if used by any individual or Senator of this body, would be rejected with disdain. In it the South is charged with immorality and irreligion; and when, with becoming dignity, we repel the charge, we are "uncourteous" and "offensive" in our language. Yes, at the very moment of presenting to this body a document, in language so justly characterized by the Senator from Alabama as false, scandalous, and libellous—at the very moment of presenting a document deliberately concocted by order of the Vermont Legislature, the member presenting it complains of the indignant retort of those whose feelings are outraged and insulted by it. While we are stigmatized as debauched, sensual, immoral, sinful, God-offending creatures, and when we speak of fanatics and incendiaries, we are rebuked and chidden. Was this fair? was it proper? So long and so tamely had the South borne all this, that when a proper reply was made, she was greeted as the assailant; and if she bore it much longer, Mr. P. would agree that she was all she had been represented.

Mr. PRENTISS was not prepared to say there was quite as much fervor in the Legislature of Vermont as was expressed in the resolutions. As far as he was concerned, he had been careful to make no improper or exciting remarks; he had not only a high respect for the people

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of the South; but respect their feelings in relation to these questions. Mr. P., however, did not like to hear the people of Vermont branded as fanatics and incendiaries, because they chose to assert the constitutional power of Congress to abolish slavery in the District of Columbia.

Mr. CALHOUN said that, as a States rights man, in the strongest sense, he believed that the State of Vermont had a right to come there and be heard. Upon the best reflection he could give to the subject, he could not vote for rejecting the resolutions, and, on the other hand, he considered the language to be so exceptionable that he could not vote for receiving them. It was owing to, and foreseeing this difficulty, that he had introduced the series of resolutions, on the same subject, which had been so recently discussed and disposed of, and though he made no complaint, he profoundly regretted that he had been disappointed in getting a direct vote on one important principle involved. Situated as he was, as a representative of the South, which was so vilely calumniated in these resolutions, he could not vote for receiving them.

Mr. ROANE observed that these resolutions came here with instructions to the Senators from Vermont to use their influence to carry out the objects for which they were passed. They were equally bound, he continued, to press them forward and get them acted on in that body. He entertained no doubt that there were assertions contained in these resolutions that he, as an individual Senator, could not allow to be true. On the other hand, as they came from a sovereign State, he could not say that he would not receive them. He intended, therefore, to stand neuter; and when these resolutions should be received, as no doubt they would be by the votes of the members from the non-slaveholding States, and referred, he trusted that they would be referred to a committee from those States. From the report of a committee so constituted, at least one advantage would be gained: we shall understand their true position in regard to this matter.

Mr. STRANGE renewed his motion to lay the question of the reception of the resolutions on the table—yeas 12, nays 26.

The CHAIR then said that the resolutions were before the Senate.

Mr. SWIFT moved that they be laid on the table and printed.

Mr. CLAY of Alabama, said that if the question was taken on printing, he hoped that it would be divided, and taken on printing the resolutions and accompanying report separately. He wished to know distinctly whether the Senate would lend its aid to the publication of such a document as the latter.

Mr. SWIFT then varied his motion, so as to lay all the papers on the table, which was agreed to.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 17.

Mississippi Election.

The House resumed the consideration of the Mississippi election case, the questions pending being as follows:

Mr. BRONSON moved the following resolution:

Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress, and are not entitled to their seats in the House as such.

The question pending being on the motion of Mr. BELL, who on yesterday moved to amend by striking out all after the word "*Resolved*," and inserting as follows:

"That the resolution of this House of the 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, was agreed to without a knowledge of all the facts which were material to a correct decision of the question presented, and the same is hereby rescinded."

Resolved further, That Messrs. Prentiss and Word were duly elected members of the 25th Congress, from the State of Mississippi, in November last, and are entitled to take their seats as such.

Mr. PRENTISS addressed the House at length against the sitting members; and, without concluding, gave way to Mr. CHAMBERS.

IN SENATE.

THURSDAY, January 18.

Neutral Relations.

The bill to amend the act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned, approved the 20th of April, 1818, was read the third time and passed.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 19.

Canada Affairs.

Mr. FILLMORE asked the consent of the House to submit the following resolution:

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to communicate to this House any information possessed by him, respecting the capture and destruction of the steamboat Caroline at Schlosser, during the night of the 29th of December last, and the murder of citizens of the United States on board, and all the particulars thereof not heretofore communicated. And especially to inform the House whether said capture was authorized, commanded, or sanctioned, or has been avowed by the British authorities or officers, or any of them. And, also, what steps have been taken by him to obtain satisfaction from the Government of Great Britain on account of said outrages. And to communicate to the House

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Seminole Indians.

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any correspondence relative thereto, which has passed between the Government of the United States and Great Britain, or any of the public authorities of either.

IN SENATE.

FRIDAY, January 19.

Claim of Richard W. Meade.

The bill for the relief of the executrix of the late Richard W. Meade came up.

Mr. HUBBARD moved to recommit the bill, with instructions to amend it, by striking out the second section, and substituting that offered by the Senator from Connecticut, (Mr. NILES.) Rejected—yeas 17, nays 24.

The question then recurring on the passage of the bill—it was carried by

YEAS.—Messrs. Allen, Bayard, Black, Brown, Buchanan, Clay of Kentucky, Crittenden, Cuthbert, Fulton, King, Knight, McKean, Merrick, Nicholas, Norvell, Preston, Rives, Roane, Southard, Spence, Swift, Tallmadge, and Walker—23.

NAYS.—Messrs. Calhoun, Clay of Alabama, Clayton, Davis, Hubbard, Lumpkin, Morris, Pierce, Robins, Robinson, Smith of Connecticut, Strange, Tip-ton, Williams, Wright, and Young—16.

MONDAY, January 22.

The VICE PRESIDENT communicated a letter from the Hon. JOHN BLACK, Senator from the State of Mississippi, resigning his seat in the Senate of the United States; which was read.

Anti-Slavery, and Anti-Texas Annexation Petitions.

Mr. McKEAN presented the memorial of 4,757 women of Philadelphia, praying Congress to abolish slavery in the District of Columbia, the Territories of the United States, and to suppress the slave-trade between the different States, also a memorial of ninety-eight women of Chester county, Pennsylvania, of similar import. Also a memorial from Robert McAlister and others, praying Congress to abolish slavery immediately in the District of Columbia.

On motion of Mr. STRANGE, the question as to the reception of the above petitions was laid on the table.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 24.

Seminole Indians.

Mr. CAMBRELENG reported a bill, making a partial appropriation for the suppression of Indian hostilities for the year 1838, and sent to the Clerk's table, to be read, a letter from the Secretary of War, and another from the acting Quartermaster General, setting forth the absolute necessity for an immediate appropriation.

Mr. C. then explained that he had been unanimously instructed by the Committee of Ways

and Means to report this bill of one million of dollars, the amount required for the year being \$2,480,000. When that bill should come up, there would, undoubtedly, be a general debate; but in order that the operations of the War Department might not be stopped, and that the necessary payments might be made, the committee had directed him to report this bill, and ask the House, when it was referred to the Committee of the Whole on the state of the Union, to go at once into committee upon it.

Mr. DOWNING expressed his hope that the motion of the gentleman from New York would prevail, for it was indispensable that this bill should be passed without delay. Two thousand of the Florida militia have been disbanded without having been paid. If this course is followed up, and moneys are not appropriated, the result will be that the people in that section of country will lose confidence in the Government, and it will not be in its power hereafter to enlist men into the service. It was his opinion that this war would be brought to a speedy termination, if the means were put in the hands of the Government for carrying it on; and gentlemen need not be apprehensive of its prolongation.

The bill having been committed—the House went into Committee of the Whole, Mr. CONNOR in the chair, and proceeded to its consideration.

Mr. WISE inquired if this bill did not also contain appropriations for other branches of the Indian service.

Mr. CAMBRELENG said this bill was for appropriations for the suppression of Indian hostilities generally.

Mr. WISE said this bill was precisely of the character which he expected, before the House went into committee. Instead of its being a mere partial appropriation bill for the immediate exigencies of the service in Florida, it was a general appropriation bill for the expenditures in the Indian service. It was in this way that appropriations were extracted from this House, like teeth, without the proper investigation and inquiry. The officers of Government waited until appropriations were immediately wanted, and then they called upon the House to pass them, without investigation, without inquiry, and without discussion. In this manner that nine-tenths, if not all of the eight, nine, or ten millions of dollars which had been appropriated for this fatal, disastrous, disgraceful Seminole campaign, had been obtained. We have been told by the delegate from Florida that the troops had been discharged without being paid; and the chairman of the committee tells us this money is wanting, without examination and without debate. Was this the way appropriations were to be made? Would any corporation or company take thirty millions of dollars to pay the expenditures of this disgraceful Indian war. He, for one, would take the responsibility of saying, and acting out what he said, that he would not appropriate another dollar for this purpose, until he had some information

as to the manner in which former appropriations had been expended, and until he had correct data as to the sum now needed. He wished to know how much had been expended for steamboats which had performed no service to the Government, and the amounts paid to heartless contractors, who rendered no equivalent for the money paid them. He wished information, too, in relation to the perfidy which had been practised by the officers of the army towards these Indians, with all other necessary information, before he was prepared to vote for any other and further appropriations; as he believed the greatest outrages had been committed upon them, which was the only reason of the war being kept up.

MR. DOWNING said it was with the deepest regret that he had listened to the remarks of the gentleman from Virginia.

The gentleman had charged that the war was iniquitous in its inception, base and infamous in its uses, and would be ridiculous in its conclusion. But he would tell that gentleman, and he defied contradiction, that the war was based on a solemn treaty with the Indians, made deliberately, and with their full consent. Hitherto, there had not been the slightest charge against its validity; not even a whisper had been breathed about unfairness or fraud. The treaty had been executed on the part of Government, not in a hurried manner, but in a calm and deliberate way; the chiefs on the part of the Indians having had ample time to reflect and consider the proposition. But it was with the Seminoles as it was with the Cherokees; who, after having received our money beforehand for their lands, when the time arrived for their evacuation, they then set up the cry of fraud, of unfairness, and of the treaty having been made without their consent, etc.

The gentleman had called it an unfortunate war. So it was. The war had been prolonged beyond the calculation of any human being. Its prolongation had been caused by the gentleman, and the friends of the gentleman who now opposed the appropriation. It was well known, and he challenged proof to the contrary, that every officer engaged in the war had acted his part zealously and effectively; but the evil was, that they had to check their efforts, because they were compelled to bend to that sympathy manifested so generally for the "red man" in the North and other portions of the Union, where the true state of things was not known. The only reason that the war was not ended long ago, was, that the troops had been compelled by that sympathy to hold out the white flag to the "poor devils," to give them time to make peace, when they were entirely in our power. Had the people of Florida been permitted to adopt their own measures, and if the rope and the gallows had been used, as they would in the case of white men committing such enormities, the affair would have been settled long before this.

But, notwithstanding the atrocious conduct

of these villanous objects of sympathy—notwithstanding they had murdered our citizens, destroyed our property and besieged our towns—notwithstanding all this, yet the gentleman refused to grant an appropriation for the purpose of protecting our citizens from a recurrence of such outrages. The white men of the South might be butchered by hundreds, and the act looked upon with indifference; but when colored skins were concerned, then it was that an outcry was raised. It was for the Indian and the negro for whom public sympathy boiled and bubbled over.

The gentleman had intimated that the people of Florida were "fattening upon the appropriations." He would ask that gentleman to cast his eyes upon their desolated cities, their wasted and impoverished country. Their horses, their wagons, their provisions and sustenance were gone, and the whole of their property had been destroyed and taken by the enemy. Had the gentleman been able to show but one instance where the public money had fell to the share of the people of Florida, and been improperly used; could he adduce one instance of fraud on their part? It was true that charges had been made in the House, through the medium of anonymous letters, about \$10 being paid for wagons, when the same could be had for \$5, etc.; and it had also been alleged that a certain quartermaster had taken a receipt for more than an article had cost, for the purpose of pocketing the money. But were they thus to be influenced by charges through such sources? If gentlemen knew of any such cases where fraud had been practised, it was their duty to make complaint to the proper department.

MR. D. then alluded to the treachery of the Seminoles, and said he was ready to prove, that although here they pretended to desire peace, yet when they returned to their tribes, they breathed nothing but war. He adverted to the conduct of the two chiefs, Jumper and Alligator, in instigating the enemy to hold out to the end of spring, as Congress would make no appropriation, etc.

It has been charged by the gentleman from Kentucky, (MR. UNDERWOOD,) that there were more troops in Florida than the whole number of Seminoles, including squaws and children. For his part, he did not profess to know the exact number of the enemy, but if from the obstacles presented it was found that ten thousand troops were not sufficient why it was their duty to send twenty thousand.

MR. D. then alluded to the peculiarity of the Florida war, and the impossibility of meeting the Indians in a body, so as to attack them with any chance of success. They are scattered over the country, east, west, north, and south; they are here and there, and yet nowhere. He appealed to the gentleman, if, for the sake of a few paltry dollars, they would sacrifice the lives of our troops, when fighting with a white enemy, by sending out only a certain number. When the war commenced, it was

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thought that an appropriation of five millions would be sufficient. He thought so too. But because, from a combination of unlooked-for events, a greater amount was required, gentlemen complained that the war was unjust, and demanded an investigation.

Mr. CULLEY defended the policy of the Government; which, he insisted, was humane and benevolent. The sympathy evinced for the tawny red men, he described to be of the same character as the hobby professed for the race a little darker, in the North. When he found his country at war, he was not for staying to inquire into its origin, or to investigate little, petty, miserable details about it, but to take such measures as would be most likely to bring it to a favorable termination. Whether the Government had pursued the best course or not, whether there had been a prodigal expenditure, he feared there had, he could not say; but he was for continuing the war with vigor, on the old New England plan, where the Indians had been wholly exterminated; for it was false policy and false philanthropy to carry on a feeble war.

Mr. EVERETT expressed his regret that any debate should have arisen on this subject at this time; the more so, because he had reason to believe that the House and the country would be perfectly satisfied with the response of the Secretary of War to Mr. E.'s resolution on the topics adverted to in this discussion. This was in relation to the capture of Osceola. Another subject upon which he wished to make a remark or two, was a more painful one, viz: in reference to the capture of Sam Jones and his companions. He had every reason to know that these men came in under the most sacred pledges, and that it was with the greatest difficulty the Cherokee delegation could induce them to come in. And when they did, what was Gen. Jesup's first proposition? Why, as preliminary to any negotiation, that those people should bring in their wives and children; and what was Sam Jones's answer? Why, that he never heard of such a preliminary to a treaty as that of surrendering the children and arms, and that he could not assent to it.

Mr. E. avowed himself unwilling to carry on this war any longer, though he was not for yielding. He wished a pacificatory course to be tried. He would arm the Executive with authority and appropriations to enable him to terminate it pacifically.

Mr. HAYNES said he had risen solely for the purpose of bringing back the committee to the question before it. Some weeks ago the Committee of Ways and Means reported a bill to cover the whole sum necessary for the current year. Since that bill was reported, the committee had been called upon or notified by the War Department, that drafts were lying over for services already performed, and supplies already furnished, and there was no money to meet them. Upon this representation the Committee of Ways and Means had come to the

House and asked a suspension of its rules, for the purpose of considering the propriety of making a partial appropriation for the suppression of Indian hostilities. Now, neither the committee, nor, as Mr. H. believed, had any other friend of the Administration, who proposed to support this bill, designed taking the House by surprise. The very document read at the Clerk's table gave to the House the information that this partial appropriation was asked for under extraordinary circumstances; and it was equally well known that the bill covering the whole sum estimated for the service by the Secretary of War then remained untouched, for as general, liberal, violent discussion as gentlemen pleased. Why, then, should so many irrelevant topics be brought in now?

Mr. WISE moved to amend by striking out "one million," and inserting "five hundred thousand dollars."

WEDNESDAY, JANUARY 24.

Seminole War.

The House went into committee, Mr. CONNOR in the chair, and resumed the consideration of the bill.

The question pending was on the motion of Mr. WISE to reduce the appropriation from \$1,000,000 to \$500,000.

[The bill was further debated by Messrs. Cambreleng, Waddy Thompson, Biddle, Wise, Underwood, Patton, Glascock, Bynum, and Pope.]

FRIDAY, JANUARY 26.

Distribution of Books.

Mr. RARIDEN asked leave to offer the following resolution:

Resolved, That the Clerk be directed to furnish such members of the present House of Representatives as have not received the same under former orders, with the following books, to be paid for out of the contingent fund of this House, being such as have been supplied to members of the last and preceding Congress, viz:

The Diplomatic Correspondence, The Documentary History of the Revolution, The Land Laws, American State Papers, Register of Debates, Contested Elections, and Commercial Regulations, Elliott's Debates, and Elliott's Diplomatic Code—

But nothing herein contained shall be construed to authorize the reprinting of either of the above works.

Mr. HAYNES thought that some of these books had never been furnished to old members.

Mr. McKAY would be glad to know from the gentleman who offered this resolution, if there was not a proviso attached to the bill making appropriations for the contingent expenses, expressly prohibiting any portion of the expenditure to be made therefrom, except for the ordinary purposes of the House. In reference to the merits of the resolution, he said it was a

practice which, if not put a stop to, would form an indefinite claim upon the Treasury, for there would always be new members, and they would claim copies of all the books ever given to members of old Congresses. He was not prepared to say what expense this resolution involved, but he supposed somewhere about forty or fifty thousand dollars.

Mr. TILLINGHAST contended that, if the resolution embraced the same books heretofore ordered, it was not material whether the books had been received or not. It was but right and fair that the new members should be placed on the same footing as the old. If it was proper for the nation to furnish books to its legislators, it was only right that all should be furnished equally; and if there was any difference, it should be in favor of the new members, who might be supposed to be more in want of them than the old.

Mr. BRONSON, in reply to Mr. McKAY, remarked that the contingent appropriation bill had not been passed, and therefore they were not tied up by the proviso alluded to.

Mr. CAMBRELENG apprehended his colleague was mistaken if he thought the proviso would not be passed by the House, unless the present Congress differed very essentially in opinion from the two former Congresses. It had been invariably introduced into each bill for the last four years, and was designed to correct what Mr. C. considered a growing abuse, of paying matters entirely foreign to it out of the contingent fund. Whether the books were purchased or not, he did hope that appropriations of this character would not be charged upon the contingent fund of this House, by which it had been enormously increasing, from year to year, by the action of the House itself. If this appropriation were made, let it be done by law.

Mr. BOND expressed his surprise that the House should suspend its rules, and set aside all its business, for the purpose of considering a resolution of this kind; a resolution looking alone to the personal benefit of the members. He strenuously opposed the measure, and asked if the House was aware of the expense it involved? When the former resolution was under consideration, he recollected that a then member from Tennessee (Mr. Cave Johnson) made a calculation demonstrating that it was about one thousand dollars to each member, in the aggregate upwards of one hundred thousand dollars. Mr. B. insisted that they had no right in the present exhausted state of the Treasury, thus to give to themselves the people's money; and if Congress had committed a mistake originally, they ought to correct it.

Mr. RARIDEN inquired of Mr. BOND, if under the influence of the opinions he had expressed, he had allowed himself to accept the books ordered under the former resolutions of the House.

Mr. BOND would state frankly, that the books having been sent to his lodgings, he had sent them home, and should do so again, unless un-

der some general order to return them, which he should willingly yield obedience to; still he was opposed to the principle, always had been, and should continue to be so.

Mr. McKAY contended that no proposition for paying money could be authorized without being committed. The fact of the contingent bill not being passed, rather strengthened his point.

IN SENATE.

FRIDAY, January 26.

Pre-emption to Actual Settlers.

The bill to grant pre-emption rights to settlers on the public lands, was taken up.

Mr. CRITTENDEN commented on the frauds alleged to have been practised under the pre-emption laws, submitted an amendment to strike out that part of the bill relating to settlement and cultivation, and to insert, in lieu thereof, the following: "by actual residence thereon, on or before the 1st day of December, 1837, and the cultivation of at least one acre in corn, and continued residence and cultivation to this time."

Mr. WALKER had no objection to defining more accurately the habitation and cultivation; but he hoped the gentleman would not confine the cultivation to corn, as that would exclude a great many meritorious cultivators who did not grow that article.

Mr. CLAY, of Alabama, suggested to the Senator from Kentucky, who no doubt had only in view the defining more strictly an actual settlement and cultivation, to modify his amendment by striking out "corn," leaving the nature of the cultivation to be determined by the land office. As the Senator from Mississippi had remarked, it would be extremely hard to confine the cultivation to corn, as many cultivators bought all they used, though he (Mr. C.) regarded it as a very injudicious way of farming, and one that no doubt resulted very much to the advantage of the constituents of the gentleman from Kentucky, as there were times when every bushel of corn carried down the Mississippi was worth from a dollar to a dollar and sixty-five cents per bushel.

Mr. CRITTENDEN modified his amendment by adding "wheat and cotton."

HOUSE OF REPRESENTATIVES.

SATURDAY, January 27.

Distribution of Books.

The House took up the resolution, submitted by Mr. RARIDEN, for the distribution to members of certain books.

Mr. MORGAN moved the previous question, which was seconded by the House.

Mr. BOND called for the yeas and nays on the main question, which was on the adoption of the original resolution, as modified by the

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mover, which were ordered, and were—yeas 113, nays 71.

Mississippi Election.

The special order being the contested election of members from Mississippi, was called, the question pending Mr. BELL's amendment to the resolution of Mr. BRONSON (ante, p. 613.)

Mr. MAURY addressed the House in favor of the claim of the applicants to a seat on the floor.

Mr. BRONSON was not sure that he could shake any of the positions taken by the gentleman who had addressed the House, (Mr. PRENTISS,) but he would try. However, he could not refrain from paying a tribute to the eloquence and zeal with which the gentleman had defended what he called the rights of the State of Mississippi. The question had been presented to the House in a false light by the contestants, for he contended that no indignity whatever had been offered to the State of Mississippi; her rights of representation had been respected and defended, and the simple question was, a question between individuals as to who should have the right of so representing her.

The decision of the House at the late special session was a judicial decision, and could not be altered; and Mr. B. argued that the Governor of Mississippi was authorized by the constitution to fill a vacancy. He portrayed the disastrous consequences which would ensue if the various Legislatures had not that power. The country might be ravaged by an invading enemy, or might be at war with ten nations at once, without having the power of calling together and assembling the House of Representatives to act on the subject. He was fully aware of the strength of the arguments adduced by one of the contestants, (Mr. PRENTISS,) viz: that the Governors of States might thus anticipate, defeat, or destroy the regular election. But there was not the slightest probability of such a course ever being adopted; and, if it were, there were means of speedy redress.

Perhaps the most important question, after assuming that the Governor had the power, was, "did he exercise that power?" It had been contended that such was not the case, and that the proclamation of the Governor was a nullity. For his part, he maintained that the Governor had a right to fill the *whole* vacancy, or none. Therefore, if the gentlemen elected in July were elected at all, they were elected for the whole term of the Twenty-fifth Congress.

IN SENATE.

THURSDAY, February 1.

Independent Treasury.

The Senate took up the bill to impose additional duties as depositaries upon certain public officers, and to appoint Receivers General of public money, &c.

The amendments submitted yesterday by Mr. WRIGHT, one to authorize the Secretary of the Treasury to hire, temporarily, suitable rooms for the offices of the Receivers General, and the other providing that the receipts given by the Treasurer, authorized by the 2d section, for money deposited for the purchase of land, shall not be negotiable by transfer or assignment, were adopted.

Mr. CALHOUN moved to amend the bill by striking out the 21st section, which relates to funding the surplus that may be in the Treasury, when it exceeds four millions, by investment in State or United States securities, bearing interest.

Mr. WRIGHT stated that this provision was introduced to obviate the objections of those who contended that the bill would have the effect to accumulate money in the Treasury.

Mr. CALHOUN had read the bill with great care, and considered it exceedingly well drawn, and calculated to produce the most beneficial effects. But this provision he considered not in accordance with its general principles, and he therefore wished it to be struck out. One of the most important objects of this measure was to avoid having a surplus. He thought, therefore, it would improve the bill to strike out the section.

Mr. CALHOUN's motion was adopted—yeas 24, nays 13.

The amendments made as in Committee of the Whole were concurred in.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 2.

Mississippi Election.

The House then resumed the consideration of the Mississippi Election case, the question being on the amended resolution of Mr. BELL:

"Resolved, That the resolution of this House of 3d of October last, declaring that SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE were duly elected members of the 25th Congress, be rescinded, and that Messrs. GHOLSON and CLAIBORNE are not duly elected members of the 25th Congress."

The question was on the following amendment of Mr. HOWARD:

"Resolved, That Messrs. S. S. Prentiss and T. J. Word are not members of the 25th Congress."

Mr. GHOLSON said: His colleague and himself were not before the people at the November election, and they distinctly stated to the people, in a printed circular addressed to them, that they were not candidates upon that occasion. That circular was published, and it was announced, at least in all the Democratic papers in the State, that they were not candidates. Mr. G. also wrote at least a hundred letters to his friends in different parts of the State, declaring that, in consequence of that decision, he was not a candidate.

In twenty counties, where no votes were

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Oregon Territory.

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given for himself and his colleague in the November election, they received about five thousand votes at that of July; thus showing, conclusively, that there was no general turn out of the people at the November election, induced, as he firmly believed, not to vote by the decision of the House. That was the main fact he wished to state. The House, by its vote, had said the election of July was void. Mr. G. was as well satisfied with that decision as any one else, but he wished them to vote, with a knowledge of the facts.

He had good grounds to know that the election in many other counties was partial, from the fact of his colleague and himself not being before the people, and therefore, by no kind of calculation, was the strength of parties tested in November. The people had been misled by the decision of the House.

MONDAY, February 5.

Mississippi Contested Election.

Mr. McKAY proposed to the gentleman from Maryland, that as the gentleman from Tennessee, (Mr. BELL,) on Saturday had raised some critical objections, he hoped the resolution would be modified so as to conform to former precedents of the House, declaring that the gentlemen claiming seats (Messrs. Prentiss and Word) were not so entitled.

Mr. HOWARD said that he had drafted his resolution in this way in the first place, but had modified it afterwards at the suggestion of some gentlemen. He then modified his amendment as follows: "and that Messrs. Prentiss and Word are not entitled to seats on this floor as members of the 25th Congress."

Mr. CRISHMAN then called for the yeas and nays on the amendment of the gentleman from Maryland, which were ordered.

The question was taken on Mr. HOWARD's amendment, declaring "that Messrs. Prentiss and Word are not entitled to seats in this House, as members of the 25th Congress," and decided—yeas 117, nays 117.

The CHAIR voted in the affirmative, so the amendment was agreed to.

Mr. PRENTISS, one of the contestants, addressed the House at some length, protesting against the decision of the House, so far as it was made, depriving the people of Mississippi of a representation on this floor, replying to remarks of gentlemen made on former occasions, and declaring that, if he was spared life till the next session of Congress, and he saw any prospect of then having justice done the people of Mississippi, he would again present himself, and see if he could not have this unconstitutional resolution rescinded, as the one was which was adopted in September last.

The question recurred on the resolution as amended.

Mr. UNDERWOOD called for a division of the question, so' as to take the vote on the first

part, rescinding the resolution of September last; and on this part of the resolution there were—yeas 121, nays 118.

On the second branch of the resolution, declaring "that Messrs. Prentiss and Word are not entitled to seats in this House, as members of the 25th Congress,"—yeas 118, nays 116.

On the third branch of the resolution, directing the Speaker to inform the Governor of Mississippi of the decision of the House,—yeas 122, nays 88.

IN SENATE.

MONDAY, February 5.

Independent Treasury.

The Independent Treasury bill was taken up, the amendment of Mr. RIVES being under consideration.

Mr. RIVES said he indulged the hope that, after the failure of this measure in the other branch of the National Legislature, and the opinions so clearly manifested by the recent elections, that this subject would not again have been pressed upon the consideration of the Senate, but that the Committee on Finance would have presented some scheme upon which the great interests of the country might have harmonized. Mr. R. contended that this bill was a reproduction of that of the last session, with additional deformity of feature, calculated to increase the patronage of the Executive to a far greater extent, and with the same tendency to create disorder and convulsion in the currency. Mr. R. spoke until near 4 o'clock, and gave way to a motion to adjourn, without having concluded his argument.

WEDNESDAY, February 7.

Oregon Territory.

Mr. LINN, of Missouri, introduced a bill authorizing the occupation of the Columbia or Oregon River, [establishing a territory north of latitude 42 degrees, and west of the Rocky Mountains, to be called the Oregon Territory; authorizing the establishing of a fort on that river, and the occupation of the country by the military force of the United States; establishing a port of entry, and requiring that the country should then be held subject to the Revenue laws of the United States; with an appropriation of \$50,000.]

Mr. LINN moved to refer the bill to the Committee on Military Affairs. He expressed his regret that some other Senator had not moved in this matter; he had failed in his endeavors to that effect, and had in consequence now presented the subject himself, as one of great importance. There was reason to apprehend that if this Territory should be neglected, in the course of five years it would pass from our possession.

Mr. CLAY, of Kentucky, said he thought the Senator and the committee would do well to

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Anti-Slavery and Anti-Texas Annexation Petitions.

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make inquiries as to the stipulations of the present treaty with Great Britain, and whether we could occupy this country now without giving cause of offence. The country had been taken possession of by Great Britain, in contravention of the treaty of Ghent. There was a clause in that treaty, or rather a word, which was intended to cover this identical case, connected with the Oregon, and which covered no other case. It was founded on these circumstances: A settlement had been made on the Oregon by Mr. Astor, and the establishment was called Astoria. During the war it was taken possession of by a British armed vessel. In the stipulation of the mutual surrender by the two countries of places taken during the war, Mr. C. had introduced the word "*possession*" as descriptive of the hold which we had on the Oregon country prior to the war.

Mr. LINN said he was aware of that provision, and it was his intention that the inquiry should be made. He designed to get all the information he could on the subject, and lay it before the committee or the Senate, that the Senate might make such modifications of the bill as they might think proper. He wished the bill to be made as perfect as it could be.

Mr. BUCHANAN was very glad that his friend from Missouri had moved in this business; and he had done himself injustice when he said it might have been moved more appropriately by another person. The time had come when we ought to assert our right to the Oregon country, or abandon it forever. We know, by information received from an agent of the Government, that the Hudson Bay Company were establishing forts in that quarter, cutting down the timber and conveying it to market, and acquiring the allegiance of the Indian tribes; and while they had been thus proceeding, we had patiently looked on during a long period of years. Our right ought to be now asserted; but it should be done in a prudent and delicate manner. We were obliged by the treaty to give a year's notice. The time had arrived to settle this question, and there were too many such questions unsettled with the British Government already. While we should be careful to violate no treaty stipulations, we ought promptly to assert our right to this country.

Mr. BENTON urged the propriety of having this subject referred to a Select Committee, of which his colleague should be the chairman: he knew of no one better qualified.

Mr. LINN withdrew his motion of reference to the Military Committee, and the subject was referred to a Select Committee of five, of which the VICE PRESIDENT was authorized to make the appointment.

TUESDAY, February 13.

Independent Treasury.

Mr. NILES finished at a late hour, the very able speech which he commenced yesterday in

opposition to the amendment offered by Mr. RIVES, and in favor of the original bill. Mr. N. said that the Senator from Virginia seemed to think that his twenty-five banks constituted the whole country; but what constituted the whole country in the opinion of Mr. N., was the producing classes, who were swindled out of their labor through the paper system. Mr. N. glanced at the rotten state of the banking system in this country, and its vast increase of paper, (in some instances forty-one dollars for one of specie,) until it had blown up, exploded, and scattered ruin far and wide. There were banks, he said, that had not yet broken, but were now rocking and trembling; so much so, that persons in their immediate neighborhood would keep their notes no longer than they could get rid of them; and yet we were called on to deposit the treasures of Government, the common property of the people, in banks like these. That the currency of the nation was in a deplorable condition, all admitted; but the remedy was the subject of dispute. The question was one of vast magnitude, and of vital importance to the people of the nation, and it was deeply to be regretted that it should have become mixed with politics; but, unfortunately, it had so, and all the evils were charged upon the present Administration; how justly, would be left to the good sense of the people to determine. What had the Administration sought to do? Merely to increase the metallic currency, which it had effected to a very considerable extent, and to suppress the issue of small notes. This was all that had been done by the present or past Administration to derange the currency of the country. Some gentlemen contended that it was "tampering with the currency" that had brought on its present deranged state. As well, said Mr. N., might we charge temperance societies with all the drunkenness that occurred, because they were tampering with sobriety.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 14.

350 Anti-Slavery and anti-Texas Annexation Petitions.

Mr. JOHN Q. ADAMS stated that he had before him about three hundred and fifty petitions, signed by between thirty-four and thirty-five thousand names, which he had been requested to present to this House. He wished to do so with as little consumption of the time of the House as possible. He had, therefore, been obliged to alter the manner pursued heretofore in presenting petitions separately, one by one, announcing the place from which the petitions came, the name of the first petitioner, and the number of names signed to such petitions; instead of which he proposed now to offer them by classes, stating the number of petitions in each class, and as well as he could, the number of petitioners included in each. He would

state, however, that he had a considerable number of petitions in relation to which he himself entertained doubts as to whether they came under the general order of the House, which prescribed that petitions of a certain description should be laid upon the table without reading, or any other action of the House being taken upon them. It has happened, that in consequence of the decision of this and former Houses of Congress in relation to the right of petition, a great degree of excitement has been produced in a certain portion of the country, and the effect of this proceeding, on the part of the House, and of the excitement occasioned by them, had tended very much to multiply these petitions, which the House appears to be so little disposed to receive and to treat in the manner in which, in his opinion, all respectful and decent petitions ought to be treated. One of the consequences of this course of proceedings on the part of the House was, that petitions were sent to him of an anonymous character, ambiguous and equivocal. These were of two descriptions. One description came from a geographical portion of this country very much attached to the right of petition, and opposed to the order of the House on this subject, and some of them would not come under that rule.

Mr. PICKENS desired to know if this question was to be opened up in this direct manner, that he might be prepared to meet it.

The CHAIR stated what the usual course was in relation to the presentation of petitions.

Mr. ADAMS proceeded to present his petitions, some separately, and some by classes, some of which were referred. Those which related to the question of slavery were laid on the table, under order of the House; those in relation to the annexation of Texas, those praying for a repeal of the order of the House, and all others which were supposed to relate in any way to slavery, were laid on the table, on motions made to that effect.

FRIDAY, February 16.

Northern Frontier.

Mr. HOWARD stated that he had received last night a communication from the Secretary of War, enclosing some papers, which satisfied him that it was his duty to move the House to suspend its rule, in order to take up the bill now for the preservation of peace on our frontier. The purport of the papers was to show that an expedition was preparing on the south side of Lake Erie to invade Canada, and the information rested upon the authority of an eye witness, a naval officer, who saw the assemblage, their collection of arms, and saw them in march.

The bill was taken up on its third reading.

Mr. HOWARD explained the principles of the bill and the amendment proposed by the Committee on Foreign Affairs, which amendment he himself did not feel very solicitous about.

The great object which the committee kept in view was to provide the means of executing our duties towards other countries, without interfering with what had in this country always been considered a legal and justifiable trade between the citizens of this and of a foreign country, and it was the consideration of this point which had caused much delay and difficulty in the committee. When two nations are engaged in war, the right of the merchants of this country to furnish either party with provisions and munitions, had always been claimed and exercised, and there was no disposition in the committee to infringe this right. The object of the committee was to have this right remain upon the same footing on which it formerly stood; but at the same time our Government was bound to prevent our citizens from interfering in the affairs of a neighboring Government, for the purpose of stirring up insurrection—of keeping up a civil war. If this was permitted to be done, the war might be rolled back upon us, and we would suffer for the indiscretion of a few of our citizens.

Mr. HOLSEY thought we ought to pause before we made any fundamental alteration in those principles in relation to our export trade, which had existed since the foundation of our Government. He considered that our citizens had a perfect right to carry on a trade with either of the belligerent parties in a neighboring Government, where a foreign war existed, without affecting the neutrality of the Government; and he would be sorry to see any restrictions imposed upon this just and proper trade, such as he feared this bill would impose. The proper provision to make on this subject, would be to prevent our citizens from interfering personally in a dispute in a neighboring Government; but this bill went far beyond that, and put it in the power of this Government, or the officers of the Government, to seize any vessels having on board arms, or any other things which it was supposed it was conveying into a neighboring territory, for the purpose of being used there for carrying on the war. He was not disposed to go this far in placing it in the hands of the Government, or the officers of the Government, to use this discretionary power to the prejudice of the citizen, or the seizure of the property of the citizen. Our citizens had a perfect right to trade with either of the contending parties to a war which might be going on on the continent of Europe, without compromising the neutrality of the United States; and he would not now consent, by his vote, to have such restrictions as were proposed by this bill imposed on the citizens of this country. The framers of our constitution had guarded our export trade so that no restrictions should be imposed upon it in the shape of a tax; and why should we in this manner attempt to place restrictions upon it, in contravention of the spirit of the constitution, if not of the letter of it.

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Postponement of the Sub-Treasury Bill.

[FEBRUARY, 1838.]

Mr. Loomis reviewed the circumstances connected with the recent disturbances upon the Canada frontier. There was a long line of frontier, separating the two countries from each other, yet placing so narrow a barrier between them, as to render it impossible that local disturbances breaking out on one side of that line should not spread to the other. The inhabitants of the American side were peculiarly sensitive on this point. Their native love of liberty, and deep-rooted hatred of tyranny, were inflamed, very naturally, whenever an appeal was made to those noble principles. Thus it happened that they were very easily led to take a deep interest, if not an active part, in those struggles.

He deemed the bill inefficient to answer the end it professes to reach. What did it propose to do? To give to United States marshals, deputy marshals, and other officers, power to seize, without process of law, or any other limitation than their own individual discretion, any vessel, or vehicle, suspected of being used for the purpose of bearing arms or munitions of war into the conterminous country, to aid in its civil contests, and to detain them until satisfactory surety should be given that they should not be used. Suppose the officer in whom this extraordinary power was vested, to have exercised his discretion, and, in execution of this power, to have seized the property of a citizen: what does the latter do? The bonds are fixed; it may be assumed, fairly fixed; the surety is found, and the party proceeds on his way over the line, into the adjoining country, in the very face and eyes of the officers of Government. Who is to prevent this? Nothing in this law gives any power of prevention to anybody. What becomes of the bond? It is in the hands of one of these officers; perhaps it may, by good fortune, have been put into the hands of a district attorney. How is he to know whether the obligation has been violated—the bond broken? How is he to prove that these arms or munitions of war, or whatever else had been seized and given up upon the bond, have been used in the manner designated? Does his jurisdiction extend to the only place where these facts can be ascertained—beyond the line?

IN SENATE.

MONDAY, February 19.

Postponement of the Sub-Treasury Bill.

Mr. BUCHANAN addressed the Senate: I rise to present to the Senate a resolution of the Legislature of Pennsylvania, which I received from Governor Ritner on yesterday afternoon, requesting their Representatives in Congress, and instructing their Senators, "to vote and use their influence for a postponement, until the next session of Congress, of the act introduced by the Hon. SILAS WRIGHT, of New York, commonly called the Sub-Treasury bill, or any

other act or acts of a similar character; and that they vote at this session for no act of a similar nature." The Legislature also, by the same resolution, declared that they "have full confidence in MARTIN VAN BUREN, and in the wisdom and intelligence of their Democratic Senators and Representatives in Congress;" and further instruct and request their Senators and Representatives "to vote for such a mode of receiving, keeping, and disbursing the public moneys, as will separate, as far as practicable, the banks from the Government."

I feel confident that the Senate will pardon me, considering the peculiar position in which I am placed, for making a few remarks in explanation of the course which I intend to pursue under this resolution. It is well known, both to the Senate and to the country, that at the last session of Congress, I presented my views in detail in favor of a separation of the Treasury from all banks, as fiscal agents of the Government. My opinion upon this subject remains unchanged: nay, it has been confirmed by subsequent events and subsequent reflections. After a careful examination of the bill reported by the Senator from New York, as it has been since amended, I think, in the main, it is well calculated to carry into practice this principle of separation. Whilst it increases Executive patronage to a very small extent, and no more than is absolutely necessary to carry into effect its principles, it confers no power whatever upon the Secretary of the Treasury over the public money, except that which he has exercised ever since the origin of the present Government; and a provision of the bill, which has never existed heretofore, renders it impossible that the ordinary Treasury drafts which are delivered to the public creditors should ever be used as currency. With some further amendments, which I need not now specify, but which I had intended to move, on a proper occasion, I should have given a cheerful support to this bill. But I am instructed: and it remains for me to decide what course I ought to pursue, under this change of circumstances.

Ever since I was capable of forming an opinion upon this subject, I have believed that the Legislatures of the several States had a right to instruct their Senators. In my opinion, this right results from the very nature of our constitution, which is a Federal compact between distinct and sovereign States. It has even been considered, with but few exceptions, a fundamental article in the political creed of that party to which I am proud to belong. I have, in public and in private, in the face of the Senate and before the country, often expressed this opinion; and I shall never preach one doctrine of political faith, and practise another.

I know that some of my most valued friends in Pennsylvania who hold the right of instruction to be sacred, are of opinion, that, under the peculiar circumstances of this case, I ought

to disobey these instructions. But do they not perceive that if the Senator can look behind his instructions, the right is at once abandoned? Under the pretext, or, if you please, under the honest belief, that they do not speak the voice of the people, or that they have been corruptly or improperly obtained, a Senator could always justify himself to himself for disobedience. I shall, therefore, not disobey my instructions. My only alternative, then, is either to obey or to resign.

Upon questions of mere expediency, in which no constitutional principles are involved, it ought to be a very strong case to induce the Senator to abandon his post. If every difference of opinion between the Senator and his Legislature should produce this effect, the right of instruction itself would soon grow into disrepute, and the Senatorial term of six years, as fixed by the constitution, would terminate whenever such a conflict of opinion should arise.

I can conceive of extreme cases in which, on questions of mere expediency, an honorable man might feel himself disgraced in even becoming the agent to give the vote of his State. No person, of any party with whom I have conversed, considers the present to be such a case; and I am confirmed in my own opinion upon this subject by the example of the Senator from Tennessee, (Mr. GRUNDY.) I shall, therefore, obey my instructions honestly and in good faith; and, like him, on every question of proposed amendments, shall give such a vote as a fair and honorable opponent of the bill ought, in my judgment, to give.

The Legislature of Pennsylvania have shown to the world that they justly appreciate the merits of the statesman whom the people of the United States have placed at the head of the Government, by declaring "their full confidence in MARTIN VAN BUREN." Such a well-deserved tribute to superior merit might be considered as the incense of flattery, had it been offered by his political friends. The reverse is the case upon the present occasion. The resolution containing this expression of confidence, on its final passage, received the vote of every Opposition member of the House of Representatives, and, I am informed, of the Senate, whether Whig or Antimason, and was approved by Joseph Ritner, Governor. Thus, even his very enemies are made to praise him.

A compliment equally well deserved is paid by the resolution to the Democratic portion of the Representatives of the State in Congress. I heartily commend the Legislature for expressing full confidence in their wisdom and intelligence. A more firm, faithful, intelligent, and patriotic set of men has never represented Pennsylvania.

We are also instructed, in the conclusion of the resolution, "to vote for such a mode of receiving, keeping, and disbursing the public moneys, as will separate, as far as practicable, the banks from the Government." Now it is

our duty, if possible, to reconcile and render consistent the first with the last clause of the instruction, and to give to each of them its proper weight. My conception of their meaning, when thus fairly construed, is, that whilst we are bound to oppose the separation of the banks from the Government in the manner proposed by the bill of the Senator from New York, or by any bill of a similar nature, yet we are equally instructed to support any other and different "mode of receiving, keeping, and disbursing the public moneys, which will separate, as far as practicable, the banks from the Government." In short, the Legislature are friendly to such a separation; but they are opposed to its accomplishment in the manner proposed by the bill now before the Senate. Whether any other practicable mode of effecting this separation can be devised, I shall not at present pretend to say.

Mr. BRICHANAN presented the resolutions, and gave notice that he would, at the first convenient opportunity, after consulting his colleague, move, in obedience to his instructions, to postpone the bill reported by the Senator from New York, until the next session of Congress.

Mr. WALKER presented the credentials of the Hon. J. F. TROTTER, Senator elect from Mississippi. Mr. TROTTER was then duly qualified, and took his seat.

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Mr. CLAY, of Kentucky, was entitled to the floor, and after some preliminary observations, went on to say:

Hitherto, I have considered this new project as it is, according to its true nature and character, and what it must inevitably become. I have not examined it as it is not, but as its friends would represent it to be. They hold out the idea that it is a simple contrivance to collect, to keep, and to disburse, the public revenue. In that view of it, every consideration of safety and security recommends the agency of responsible corporations, rather than the employment of particular individuals. It has been shown, during the course of this debate, that the amount which has been lost by the defalcation of individuals has exceeded three or four times the amount of all that has been lost by the local banks, although the sums confided to the care of individuals have not been probably one-tenth part of the amount that has been in the custody of the local banks. And we all know that, during the forty years of the existence of the two Banks of the United States, not one cent was lost of the public revenue.

Who, Mr. President, are the most conspicuous of those who perseveringly pressed this bill upon Congress and the American people? Its drawer is the distinguished gentleman in the white house not far off; its endorser is the distinguished Senator from South Carolina, here present. What the drawer thinks of the endorser, his cautious reserve and stifled enmity prevent us from knowing. But the frankness

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of the endorser has not left us in the same ignorance with respect to his opinion of the drawer. He has often expressed it upon the floor of the Senate. On an occasion not very distant, denying to him any of the nobler qualities of the royal beast of the forest, he attributed to him those which belong to the most crafty, most skulking, and one of the meanest of the quadruped tribe. Mr. President, it is due to myself to say, that I do not altogether share with the Senator from South Carolina in this opinion of the President of the United States. I have always found him, in his manners and deportment, civil, courteous, and gentlemanly; and he dispenses, in the noble mansion which he now occupies, one worthy the residence of the Chief Magistrate of a great people, a generous and liberal hospitality. An acquaintance with him of more than twenty years' duration has inspired me with a respect for the man, although, I regret to be compelled to say, I detest the magistrate.

The eloquent Senator from South Carolina has intimated the course of my friends and myself, in opposing this bill, was unpatriotic, and that we ought to have followed in his lead; and, in a late letter of his, he has spoken of his alliance with us, and of his motives for quitting it. I cannot admit the justice of his reproach. We united, if, indeed, there were any alliance in the case, to restrain the enormous expansion of Executive power; to arrest the progress of corruption; to rebuke usurpation; and to drive the Goths and Vandals from the capital; to expel Brennus and his horde from Rome, who, when he threw his sword into the scale, to augment the ransom demanded from the Mistress of the world, showed his preference for gold; that he was a hard-money chieftain. It was by the much more valuable metal of iron that he was driven from her gates. And how often have we witnessed the Senator from South Carolina, with woeful countenance, and in doleful strains, pouring forth touching and mournful eloquence on the degeneracy of the times, and the downward tendency of the Republic? Day after day, in the Senate, have we seen the displays of his lofty and impassioned eloquence. Although I shared largely with the Senator in his apprehension for the purity of our institutions, and the permanency of civil liberty, disposed always to look at the brighter side of human affairs, I was sometimes inclined to hope that the vivid imagination of the Senator had depicted the dangers by which we were encompassed in somewhat stronger colors than they justified. The arduous contest in which we were so long engaged was about to terminate in a glorious victory. The very object for which the alliance was formed was about to be accomplished. At this critical moment the Senator left us; he left us for the very purpose of preventing the success of the common cause. He took up his musket, knapsack, and shot-pouch, and joined the other party. He went, horse, foot, and dragoon, and he himself com-

posed the whole corps. He went, as his present most distinguished ally commenced with his expunging resolution, *solitary and alone*. The earliest instance recorded in history, within my recollection, of an ally drawing off his forces from the combined army, was that of Achilles at the siege of Troy. He withdrew, with all his troops, and remained in the neighborhood, in sullen and dignified inactivity. But he did not join the Trojan forces; and when, during the progress of the siege, his faithful friend fell in battle, he raised his avenging arm, drove the Trojans back into the gates of Troy, and satiated his vengeance by slaying Priam's noblest and dearest son, the finest hero in the immortal Iliad. But Achilles had been wronged, or imagined himself wronged, in the person of the fair and beautiful Briseis. We did no wrong to the distinguished Senator from South Carolina. On the contrary, we respected him, confided in his great and acknowledged ability, his uncommon genius, his extensive experience, his supposed patriotism; above all, we confided in his stern and inflexible fidelity. Nevertheless, he left us, and joined our common opponents, distrusting and distrusted. He left us, as he tells us in his Edgefield letter, because the victory which our common arms were about to achieve, was not to enure to him and his party, but exclusively to the benefit of his allies and their cause. I thought that, actuated by patriotism, (that noblest of human virtues,) we had been contending together for our common country, for her violated rights, her threatened liberties, her prostrate constitution. Never did I suppose that personal or party considerations entered into our views. Whether, if victory shall ever again be about to perch upon the standard of the spoils party, (the denomination which the Senator from South Carolina has so often given to his present allies,) he will not feel himself constrained, by the principles on which he has acted, to leave them, because it may not enure to the benefit of himself and his party, I leave to be adjusted between themselves.

The speech of the Senator from South Carolina was plausible, ingenious, abstract, metaphysical, and generalizing. It did not appear to me to be adapted to the bosoms and business of human life. It was aerial, and not very high up in the air, Mr. President, either; not quite as high as Mr. Clayton was in his last ascension in his balloon. The Senator announced that there was a single alternative, and no escape from one or the other branch of it. He stated that we must take the bill under consideration, or the substitute proposed by the Senator from Virginia. I do not concur in that statement of the case. There is another course embraced in neither branch of the Senator's alternative; and that course is to do nothing: always the wisest when you are not certain what you ought to do. Let us suppose that neither branch of the alternative is accepted, and that nothing is done: what, then, would be the consequence? There would be a restoration of the law of

1789, with all its cautious provisions and securities, provided by the wisdom of our ancestors, which has been so trampled upon by the late and present Administrations. By that law, establishing the Treasury Department, the treasure of the United States is to be received, kept, and disbursed by the Treasurer, under a bond with ample security, under a large penalty fixed by law, and not left, as this bill leaves it, to the uncertain discretion of a Secretary of the Treasury. If, therefore, we were to do nothing, that law would be revived; the Treasurer would have the custody, as he ought to have, of the public money, and doubtless he would make special deposits of it in all instances with safe and sound State banks, as in some cases the Secretary of the Treasury is now obliged to do. Thus, we should have in operation that very special deposit system, so much desired by some gentlemen, by which the public money would remain separated and unmixed with the money of banks. There is yet another course, unembraced by either branch of the alternative presented by the Senator from South Carolina; and that is to establish a Bank of the United States, constituted according to the old and approved method of forming such an institution, tested and sanctioned by experience; a Bank of the United States which should blend public and private interests, and be subject to public and private control, united together in such manner as to present safe and salutary checks against all abuses. The Senator mistakes his own abandonment of that institution as ours. I know that the party in power has barricaded itself against the establishment of such a bank. It adopted, at the last extra session, the extraordinary and unprecedented resolution, that the people of the United States should not have such a bank, although it might be manifest that there was a clear majority of them demanding it. But the day may come, and I trust is not distant, when the will of the people must prevail in the councils of their own Government; and when it does arrive, a bank will be established.

The Senator from South Carolina reminds us that we denounced the pet bank system; and so we did, and so we do. But does it therefore follow that, bad as that system was, we must be driven into the acceptance of a system infinitely worse? He tells us that the bill under consideration takes the public funds out of the hands of the Executive, and places them in the hands of the law. It does no such thing. They are now without law, it is true, in the custody of the Executive; and the bill proposes by law to confirm them in that custody, and to convey new and enormous powers of control to the Executive over them. Every custodary of the public funds provided by the bill is a creature of the Executive, dependent upon his breath, and subject to the same breath for removal, whenever the Executive, from caprice, from tyranny, or from party motives, shall choose to order it. What safety is there for the public

money, if there were a hundred subordinate executive officers charged with its care, whilst the doctrine of the absolute unity of the whole Executive power, promulgated by the last Administration, and persisted in by this, remains unrevoked, and unrebuked.

Whilst the Senator from South Carolina professes to be the friend of State banks, he has attacked the whole banking system of the United States. He is their friend; he only thinks they are all unconstitutional! Why? Because the coining power is possessed by the General Government, and that coining power, he argues, was intended to supply a currency of the precious metals; but the State banks absorb the precious metals, and withdraw them from circulation, and, therefore, are in conflict with the coining power. That power, according to my view of it, is nothing but a naked authority to stamp certain pieces of the precious metals, in fixed proportions of alloy and pure metal, prescribed by law, so that their exact value may be known. When that office is performed, the power is *functus officio*; the money passes out of the Mint, and becomes the lawful property of those who legally acquire it. They may do with it as they please, throw it into the ocean, bury it in the earth, or melt it in a crucible, without violating any law. When it has once left the vaults of the mint, the law-maker has nothing to do with it, but to protect it against those who attempt to debase or counterfeit, and, subsequently, to pass it as lawful money. In the sense in which the Senator supposes banks to conflict with the coining power, foreign commerce, and especially our commerce with China, conflicts with it much more extensively. That is the great absorbent of the precious metals, and is, therefore, much more unconstitutional than the State banks. Foreign commerce sends them out of the country; banks retain them within it. The distinguished Senator is no enemy to the banks; he merely thinks them injurious to the morals and industry of the country. He likes them very well, but he nevertheless believes that they levy a tax of twenty-five millions annually on the industry of the country! Let us examine, Mr. President, how this enormous and iniquitous assessment is made, according to the argument of the Senator from South Carolina. He states that there is a mass of debt due from the community to the banks, amounting to \$475,000,000, the interest upon which, constituting about that sum of \$25,000,000, forms the exceptionable tax. Now, this sum is not paid by the whole community, but only by those individuals who obtain discounts from the banks. They borrow money at six per cent. interest, and invest it in profitable adventures, or otherwise employ it. They would not borrow it if they did not suppose they could make profit by it; and the probability is that they do make profit by it. Instead, therefore, of there being any loss in the operation, there is an actual gain to the community, by the excess of profit made be-

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yond six per cent. interest, which they pay. What are banks? They are mere organized agencies for the loan of money and the transaction of monetary business; regulated agencies acting under the prescriptions of law, and subject to a responsibility, moral and legal, far transcending that under which any private capitalist operates. A number of persons not choosing to lend out their money privately, associate together, bring their respective capitals into a common stock, which is controlled and managed by the corporate government of a bank. If no association whatever had been formed, a large portion of this capital, a large portion, therefore, of that very debt of \$475,000,000, would still exist, in the shape of private loans. The Senator from South Carolina might as well collect the aggregate amount of all the mortgages, bonds, and notes which have been executed in the United States for loans, and assert that the interest paid upon the total sum constituted a tax levied upon the community.

In the liquidation of the debt due to the banks from the community, and from the banks to the community, there would not be as much difficulty as the Senator seems to apprehend. From the mass of debts due to the banks are to be deducted, first, the amount of subscriptions which constitute their capitals; secondly, the amount of deposits to the credit of individuals in their custody; and, thirdly, the amount of their notes in circulation. How easily will these mutual debts neutralize each other! The same person, in numberless instances, will combine in himself the relations both of creditor and debtor.

The only general operation of banks beyond their discounts and deposits, which pervades the whole community, is that of furnishing a circulation in redeemable paper, beyond the amount of specie to redeem it in their vaults. And can it be doubted that this additional supply of money furnishes a powerful stimulus to industry and production, fully compensating any casual inconveniences, which sometimes, though rarely, occur? Banks reduce the rate of interest, and repress inordinate usury. The salutary influence of banking operations is demonstrated in countries and sections of country where they prevail, when contrasted with those in which they are not found. In the former, all is bustle, activity, general prosperity. The country is beautified and adorned by the noble works of internal improvement; the cities are filled with splendid edifices, and the wharves covered with the rich productions of our own or of foreign climates. In the latter, all is sluggishness, slothfulness, and inactivity. England, in modern time, illustrates the great advantages of banks, of credit, and of stimulated industry. Contrast her with Spain, destitute of all those advantages. In ancient times, Athens would present an image of full and active employment of all the energies of man, carried to the highest point of civilization, while her neighbor,

Sparta, with her iron money, affords another of the boasted benefits of metallic circulation.

The Senator from South Carolina would do the banks no harm; but they are deemed by him highly injurious to the planting interest! According to him, they inflate prices, and the poor planter sells his productions for hard money, and has to purchase his supplies at the swollen prices produced by a paper medium. Now, I must dissent altogether from the Senator's statement of the case. England, the principal customer of the planter, is quite as much, if not more, a paper country than ours. And the paper-money prices of the one country are neutralized by the paper-money prices of the other country. If the argument were true, that a paper-money country trades disadvantageously with a hard-money country, we ought to continue to employ a paper medium, to counterbalance the paper medium of England. And if we were to banish our paper, and substitute altogether a metallic currency, we should be exposed to the very inequality which has been insisted upon. But there is nothing in that view of the matter which is presented by the Senator from South Carolina. If, as he asserts, prices were always inflated in this country beyond their standard in England, the rate of exchange would be constantly against us. An examination, however, into the actual state of exchange between the two countries, for a long series of years, evinces that it has generally been in our favor. In the direct trade between England and this country, I have no doubt there is a large annual balance against us; but that balance is adjusted and liquidated by balances in our favor in other branches of our foreign trade, which have finally concentrated in England, as the great centre of the commercial world.

Of all the interests and branches of industry in this country, none has profited more by the use and employment of credit and capital derived from banks and other sources, than the planting interest. It habitually employs credit in all countries where planting agriculture prevails. The States of Alabama, Mississippi, Arkansas, and Louisiana, have almost sprung into existence, as it were, by magic, or, at least, have been vastly improved and extended under the influence of the credit system. Lands, slaves, utensils, beasts of burden, and other supplies, have been constantly bought, and still continue to be purchased, upon credit; and bank agency is all-essential to give the most beneficial operation to these credits. But the argument of the Senator from South Carolina, which I am combating, would not be correct, if it were true that we have inflated prices on this side of the Atlantic, without a corresponding inflation of price on the other side; because the planter generally selling at home, and buying at home, the proceeds of his sale, whatever they may be, constitute the means by which he effects his purchases, and consequently neu-

tralize each other. In what do we of the West receive payment for the immense quantity of live stock and other produce of our industry, which we annually sell to the South and South-west, but that paper medium now so much decried and denounced? The Senator from South Carolina is very fond of the State banks; but he thinks there is no legitimate currency except that of the constitution. He contends that the power which the Government possesses to impose taxes restricts it, in their payment, to the receipt of the precious metals. But the constitution does not say so. The power is given in broad and unrestricted terms; and the Government is left at liberty to collect the taxes in whatever medium or commodity, from the exigencies of the case, it can collect them. It is, doubtless, much the most convenient to collect them in money, because that represents, or can command, every thing, the want of which is implied by the power of taxation. But suppose there was no money in the country, none whatever, to be extorted by the tax-gatherers from an impoverished people: is the power of Government to cease, and the people to be thrown back into a state of nature? The Senator asks if taxes could be levied and collected in tobacco, in cotton, and other commodities? Undoubtedly they could, if the necessity existed for such an inconvenient imposition. Such a case of necessity did exist in the colony of Virginia, and other colonies, prior to the Revolution, and taxes were accordingly levied in tobacco or other commodities, as wolf-scalps, even at this day, compose a part of the revenue of more than one State.

The argument, then, of the Senator against the right of the Government to receive bank notes in payment of public dues, a practice coeval with the existence of the Government, does not seem to me to be sound. It is not accurate, for another reason. Bank notes, when convertible at the will of the holder into specie, are so much counted or told specie, like the specie which is counted and put in marked kegs, denoting the quantity of their contents. The Senator tells us that it has been only within a few days that he has discovered that it is illegal to receive bank notes in payment of public dues. Does he think that the usage of the Government under all its administrations, and with every party in power, which has prevailed for nigh fifty years, ought to be set aside by a novel theory of his, just dreamed into existence, even if it possesses the merit of ingenuity? The bill under consideration, which has been eulogized by the Senator as perfect in its structure and details, contains a provision that bank notes shall be received in diminished proportions, during a term of six years. He himself introduced that identical principle. It is the only part of the bill that is emphatically his. How, then, can he contend that it is unconstitutional to receive bank notes in payment of public dues? I appeal from himself to himself. The Senator further contends, that gen-

eral deposits cannot be made with banks, and be thus confounded with the general mass of the funds on which they transact business. The argument supposes that the money collected for taxes must be preserved in identity; but that is impossible, often, to do. May not a collector give the small change which he has received from one tax-payer to another tax-payer, to enable him to effect his payment? May he not change gold for silver, or *vice versa*, or both, if he be a distant collector, to obtain an undoubted remittance to the public Treasury? What, Mr. President, is the process of making deposits with banks? The deposit is made, and a credit is entered for its amount to the Government. That credit is supposed to be the exact equivalent of the amount deposited, ready and forthcoming to the Government whenever it is wanted for the purposes of disbursement. It is immaterial to the Government whether it receives back again the identical money put in, or other money of equal value. All that it wants is what it put in the bank, or its equivalent; and that, in ordinary times, with such prudent banks as alone ought to be selected, it is sure of getting. Again: the Treasury has frequently to make remittances to foreign countries, to meet the expenditure necessary there for our naval squadrons, and other purposes. They are made to the bankers, to the Barings or the Rothschilds, in the form of bills of exchange purchased in the market by the agents of the Government here, with money drawn out of the Treasury. Here is one conversion of the money received from the tax-gatherer into the Treasury. The bills are transmitted to the bankers, honored, paid, and the amount credited by them to the United States. Are the bankers bound to retain the proceeds of the bills in identity? Are they bound to do more than credit the Government for an equal amount, for which they stand responsible whenever it is wanted? If they should happen to use any portion of those very proceeds of bills remitted to them in their banking operations, would it be drawing money from the Treasury, contrary to the provisions of the constitution?

HOUSE OF REPRESENTATIVES.

• WEDNESDAY, February 21.

Neutral Relations.

The House took up the "Act to amend an act, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned.'"

The question on the motion of Mr. WISE to commit the bill to a Committee of the Whole was taken, and disagreed to.

The question then pending was the substitute for part of the first and the whole of the second sections of the bill submitted by Mr. PATTON.

Mr. HOWARD stated that the principles on

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which this bill was based, had been the uniform principles of this Government ever since its formation. It had always been the policy of this Government to remain at peace with all nations, and to enforce its neutrality whenever it became necessary to do so. This principle was adopted in the act of 1794, which he wished the House to bear in mind. At that time this country began to feel the situation in which it was placed, by being called upon by a foreign power to enforce its neutrality. Congress then passed a law to prevent the enlistment of men, within the jurisdiction of the United States, for the purpose of carrying on hostility against any Government with which we might be at peace.

This bill vested power in the President to employ the army and navy for the purpose of enforcing this law. This bill, then, only provided for the prevention of the fitting out of naval expeditions, and the enlisting of soldiers within our territory, to carry on war against a nation with which we might be at peace. Afterwards, when a war broke out between France and England, it became necessary to make further provision to preserve our neutrality in consequence of the change of circumstances. It then became necessary to prevent the fitting out of privateers in our waters; and in addition to the provisions of the law of 1794, it became necessary to vest in the President power to authorize the collectors to seize upon vessels fitting out in our waters. Now, the face of things has again changed, and it becomes necessary for us to make further changes in our legislation. In consequence of the small number of our collectors on the frontier, it became necessary that the President should call to his aid other officers, for the purpose of enforcing our neutrality. It became necessary for us to bring the aid of the civil power to co-operate with the military power in preserving our neutrality, as that duty is now conferred almost exclusively on the military power. This he considered to be improper, and hoped gentlemen were not disposed to keep up such exhibitions as we have had for the last few weeks. He hoped we were not to have a body of armed men marching to and fro, arresting and disarming persons who might be about to violate our neutrality, when that duty could be as well and better performed by the civil authority. We have recently seen a part of the army of the United States, engaged in marching several hundred miles, for the purpose of arresting and disarming some two or three hundred persons, who had assembled for the purpose of entering Canada. This was a spectacle which he did not desire to see kept up, and he hoped the House would make such provision speedily as would supersede the necessity of such military operations. The civil authority, he maintained, ought first to be applied, and when it failed, there would be time enough to call in the aid of the military power. The civil power, however, he believed would be amply sufficient to preserve our neutral relations with Canada.

Mr. MERCER contended that the power under the laws of 1794 and 1818, was ample for the purpose of arresting all the expeditions which might be undertaken against Canada. The defect was not in the law, but in the administration of the law. It was with infinite surprise that he had seen the President of the United States call upon the Governor of New York to issue his proclamation to enforce a law, when the Executive should have issued his own proclamation, as it was a law of the United States which was to be enforced.

Mr. HOLSEY considered it to be the duty of this Government to preserve its neutrality towards all nations with which it might be at peace, and he contended, that there was no way of doing this but by the Government preventing its citizens from interfering in the affairs of foreign Governments.

This principle had been held by this Government from its foundation, and he would ask gentlemen if they were prepared now to pursue a different course of policy? He referred to the correspondence between Mr. Madison, when Secretary of State, and Mr. Pinckney, our minister at that time in Spain, in which Mr. Madison took the ground that it was the duty of that Government not only to restrain its own citizens from fitting out expeditions against foreign Governments, with which that Government might be at peace, but that it was the duty of that Government to restrain foreigners within their borders from interfering or meddling with the affairs of other Governments.

Mr. ADAMS denied that any haste was necessary, for this was not a case of the tomahawk and scalping-knife character. Mr. A. went on to argue against the original, though he believed he should vote for the modified substitute to the first section submitted by Mr. LOOMIS, and that of Mr. PATTON.

THURSDAY, February 22.

Neutral Relations.

The question pending was on agreeing to the modified amendment of Mr. LOOMIS, to the first section of the bill.

Mr. TOUCEY said it had been objected that the fourth article of the Constitution of the United States came into conflict with this bill as to the right of seizure. He apprehended, however, that there was no foundation for this objection, as, in his opinion, the fourth article applied merely to general search warrants, and had no application to the kind of seizures referred to in this bill. He supposed the case of an embargo law being passed, would any one doubt that the officers of the Government would have a right to seize vessels about to violate that law? Again: in the case of goods about to be smuggled, would there be any doubt of the right of Government officers to seize the goods? This was his idea in relation to this article of the Constitution of the United States on this subject.

The Constitution of the United States declares that the right of the people to bear arms shall remain inviolate. Then how does this amendment apply to the case? and how are the people to be secured in their right to bear arms, if this amendment passed. Why, if this amendment was adopted, any citizen of the United States who might be found with arms or munitions of war in his possession, and he expressed an intention of using them in carrying on hostilities in a conterminous country, he is guilty of a high crime by your law, and subject to fine and imprisonment. Not only this, but if he has any wagon, vessel, or vehicle of any description, and he says he is going to use those vehicles in carrying on any war in a conterminous territory, they are liable to seizure, and the person is liable to a fine of \$3,000, and imprisonment for three years.

These were the principles of this amendment, and these were principles which he entirely detested and abhorred, and he protested against this kind of legislation. Further than this, the amendment under consideration would apply in a most odious manner to persons emigrating from this country to a country conterminous with our country. If a citizen of this country should attempt to pass from this country to Mexico or Texas, and hostility should be going on there, he might have his property seized, and himself fined and imprisoned under the provisions of this section, as it was proposed now to amend it. Further than this, every citizen of the United States on the frontier who might have arms or ammunition in his possession, and might express an intention of using them in the prosecution of hostilities in a conterminous country, he would be subject to the penalties provided in this section.

Again: if Mexico should invade Texas, and a citizen of Texas in this country should attempt to go home to his own country to defend his own soil, he would be subject to the penalties of this bill, and thrown into jail. If, on the other hand, Texas should invade Mexico, and any citizen from Mexico should attempt to go from this country to defend his country, he would be held liable to fine and imprisonment. Again: if any Canadian or any subject of the King of Great Britain, who might be in this country, should attempt to go home while hostilities were going on there, he would be subject to the penalties here imposed. He contended, if this bill was passed, as it was attempted to amend it, and it was attempted to carry out its provisions, that it would involve us in interminable difficulties.

The act of 1818, in his opinion, went far enough, and as far as any act ought to go, and he would not consent to go beyond the principles contained in that law, and the principles under which we had acted, without being involved in difficulties, for the last half century. The bill of the Senate was drawn up with an eye to these principles, and so far as it went, he was willing to go, but no further.

Mr. UNDERWOOD opposed both the amendment submitted by the gentleman from New York and the original bill, as a measure entirely improper to be adopted by this country. By the provisions of this bill, he expected that, in case of difficulties between Mexico and Texas, the citizens of the West might be prohibited from trading in horses and mules, as well as arms and ammunition, with the people of Texas or Mexico. It might also prevent emigration from the South and West to those countries, or it may prevent emigration from the United States to Canada. Suppose a party of a hundred families going from the West to Texas, of course they would take their rifles and ammunition with them. Then, if your United States officer met them, and asked them what use they were going to make of the arms they were taking with them, and they said they would use them to carry on a war with Mexico, in case their rights were invaded, they would be subject to arrest and imprisonment by this bill.

It was nothing more nor less than a bill to trammel trade and commerce, and he hoped every gentleman who was in favor of a free trade upon the principles laid down in the laws of nations, would oppose it. He maintained that it was the right of the citizens of the United States to carry on a trade with any country that had a war raging within her borders; and he maintained further, that if there were two hostile armies at the present time in Canada, (the one on the one side of one of their great rivers, and the other on the other side,) we had a perfect right to trade with both, and furnish both with bread and beef, without, in any manner, compromising our neutrality. This bill imposed penalties which were never thought of at any former time in our history. It would impose a penalty on the citizens of a foreign country who might be driven into this country by the stress of circumstances, with arms in their hands. Such persons were liable to be seized, fined, and imprisoned.

Now this was a monstrous principle; and he hoped never to see it carried into execution in this country. Suppose the case of two European nations being engaged in carrying on a maritime war, and one of the fleets should be driven into the harbor of New York by a superior force. Would you seize that fleet, and hold the officers and seamen guilty of a high crime, and fine and imprison them? He thought not. It would be our duty to protect them whilst in our waters. Again: suppose a superior force at Malden should drive out a part of the inhabitants who might be in arms, and those inhabitants of that place should take refuge in Detroit; would you seize upon them? hold them guilty of a high crime, and subject them to a fine and imprisonment? Was this the principle you were about to establish? If it was, he must say that he utterly detested any such principle.

The British authorities in Canada went upon the principle of protection so far, that they gave

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protection to all our renegade slaves who escaped and went within their dominions, and why should we be prevented from giving protection to the oppressed of their people? As this bill had undergone so many phases, he hoped that it might yet undergo a total eclipse, because it was a measure which he believed calculated to do very great injury to the people of this country. He had no idea of making a law of this kind, which was only to apply to conterminous countries, and thought if any bill of the kind was passed, that it ought to be general in its character. With the view of testing this question, whether the House was disposed to legislate solely with reference to conterminous territories, he moved to strike out the words "*conterminous with the United States.*"

IN SENATE.

THURSDAY, February 22.

Independent Treasury.

The Senate resumed the consideration of the Independent Treasury bill, as the order of the day.

Mr. CRITTENDEN addressed the Senate at length in opposition to the bill.

HOUSE OF REPRESENTATIVES.

MONDAY, February 26.

Death of the Hon. Jonathan Cilley.

Mr. FAIRFIELD addressed the House as follows:

Mr. SPEAKER: An event has occurred since our last adjournment, which has spread a deep gloom over this community, and deprived this body of one of its most valuable members. I allude, sir, to the death of my late colleague, the Hon. JONATHAN CILLEY, which, it is my painful duty to announce, took place on Saturday last near this city. One hour we saw him in full life, standing in the midst of us in all the pride and vigor of manhood; the next, a helpless, inanimate corpse. It is a case, sir, most melancholy and heart-rending in all its circumstances, (of which, however, this is not the occasion to speak,) and brings home to our minds, with peculiar emphasis, the trite but solemn truth, that "in the midst of life we are in death."

My deceased colleague was a man of uncommon talents. His mind was strong, vigorous, well stored, and well disciplined. He had, moreover, that indomitable spirit of perseverance in all the pursuits of an elevated and honorable ambition, which would not rest satisfied with low attainments. He partook, largely, too, of that fearless patriotism of his ancestors, which made them "pour out their blood like water," in the war of the Revolution, and which also displayed itself in the brave and chivalrous conduct of an only brother during the late war.

His fellow-citizens had often elected him to

places of honor and trust in the State of his adoption, and had now given him a seat among the Representatives of the nation;—among us, who are now spared to deplore his abrupt and tragical removal. Though he had not long been a member of this body, he had established an enviable and an enduring reputation. His ready powers of debate, his warm and fervid eloquence, his manly bearing towards opponents, and courteous demeanor to all, will be readily acknowledged, and long remembered by the members of this House.

That his sudden and melancholy death will produce a deep sensation in Maine, and indeed throughout the whole country, no one can doubt; but the annunciation of the dreadful fact to the partner of his bosom, sitting in the midst of the young pledges of their mutual affection, little dreaming of the blow that awaits her, it is shocking to contemplate. No one can think of it but with feelings of the most poignant and heartfelt grief. May "He who tempers the wind to the shorn lamb," and who "will not break the bruised reed," give her that consolation and support which she needs, and which no earthly power can give.

With this brief and imperfect announcement, I beg leave to submit the following resolutions:

Resolved, That the members of this House will attend the funeral of JONATHAN CILLEY, deceased, late a member of the House from the State of Maine, at 12 o'clock to-morrow.

Resolved, That a committee be appointed to take order for superintending the funeral of JONATHAN CILLEY, deceased.

Resolved, That the members and officers of this House will testify their respect for the memory of JONATHAN CILLEY, by wearing crape on the left arm for thirty days.

The resolutions were unanimously adopted, and on motion of Mr. FAIRFIELD, the House then adjourned till 12 o'clock to-morrow.

IN SENATE.

MONDAY, February 26.

Death of the Representative Jonathan Cilley, Esq.

A message was received from the House of Representatives, announcing the death of the Hon. JONATHAN CILLEY, a member of that House from the State of Maine, and stating that the funeral would take place from the hall of the House to-morrow at 12 o'clock.

Mr. WILLIAMS addressed the Senate as follows:

Mr. President: I came into the Senate this morning, exhausted and overwhelmed, to perform the melancholy duty of announcing to you and to the Senate of the United States the sudden and lamented death of my friend and colleague, the Hon. JONATHAN CILLEY, a Representative from Maine in the Congress of the United States.

At the last adjournment of the Senate, Mr. CILLEY was in perfect health, full of hope and

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expectation of making himself useful in asserting and vindicating the violated rights of his State, and of distinguishing himself in the great questions which now so deeply agitate the public mind; full of zeal and ardent patriotism, and of devotion to the great cause of human liberty and of human rights, he considered that a crisis had arisen when his country had a right to claim the services of her sons. He obeyed the call of his constituents, relinquishing the enjoyments of the domestic circle of a wife and three children. He is now a lifeless corpse; all his hopes are blasted and destroyed, and his constituents are deprived of the services of an able and faithful representative.

Mr. CILLEY was a native of New Hampshire, and belonged to one of the most ancient and respectable families in that State. Patriotism and bravery were his inheritance. His grandfather was the distinguished patriot and brave officer of the Revolution, General Cilley; and his brother, Captain Joseph Cilley, was the gallant leader of the heroic charge under Colonel Miller, at the Battle of Bridgewater Heights, in the last war.

The deceased was a graduate of Bowdoin College, in Maine, and by his superior talents and application attained a high standing at the bar in that State. He was a good lawyer, an able advocate, and a powerful debater.

From early life Mr. CILLEY was ardently attached to the principles of free Government; a zealous advocate of the rights of the *whole* people, and a determined opponent of the claim of the *few* to tyrannize over the *many*.

In 1832, Mr. CILLEY was elected to the House of Representatives in Maine, and in 1835 and 1836 was Speaker of that body, where his talents and love of country became so conspicuous, that in 1837 he was elected to Congress in a district in which the majority were his political opponents.

Of his conduct here I need not speak, for all who hear me, and all who knew Mr. CILLEY in the other end of the Capitol, will bear testimony to his ability, to his open, frank, and determined course, to the high order of his talents and powers as a debater, and to the respect and deference he paid to the rights of others.

As a man, Mr. CILLEY was warm, ardent, generous, noble; as a friend, true, faithful, abiding. He was in the meridian of his life, aged 35: the past was the earnest of the future.

In his death, Maine has lost one of her brightest ornaments, and the nation is bereft of a devoted patriot, and an ardent, zealous supporter of its free institutions.

The sun which set upon the lifeless corpse of my late friend and colleague, rose bright and cheering upon his distant fireside circle, and the wife of his bosom blessed its glad beams, and told her innocent children that it brought the return of their father one day nearer.

Alas! nor wife nor children shall see him more. Who shall now penetrate that bereaved mansion, and witness the tears, the agony, the

distraction of the widow and the fatherless? Mr. President, I cannot. May the Father of all mercies be their comforter and their support.

Of the cause and manner of the death of Mr. CILLEY, I forbear to speak; but allow me to say, that it is my solemn conviction that he entertained no ill will, and intended no disrespect, to Mr. GRAVES, in any thing that occurred; and that in accepting the call, he did nothing more than he believed *indispensable*, to avoid disgrace to himself, to his family, and to his constituents.

Mr. WILLIAMS then submitted the following resolutions, which were unanimously adopted:

Resolved unanimously, That the Senate will attend the funeral of the Hon. JONATHAN CILLEY, late a member of the House of Representatives, from the State of Maine, at the hour of twelve o'clock to-morrow, and as a testimony of respect for the memory of the deceased, they will go into mourning, by wearing crape round the left arm for thirty days.

And, as an additional mark of respect to the memory of the deceased,

Resolved, That the Senate do now adjourn.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 27.

The House met at 12 o'clock, for the purpose of attending the funeral obsequies of the Hon. JONATHAN CILLEY.

The committee of arrangements, pall-bearers, and mourners, attended at the late residence of the deceased, at Mr. Birth's, at 11 o'clock, A. M., at which time the remains were removed, in charge of the committee of arrangements, attended by the Sergeant-at-arms of the House of Representatives, to the Hall, where the funeral service was performed by the Rev. Mr. Slicer, and the discourse preached by the Rev. Mr. Reese.

The funeral procession then moved from the Hall of the House of Representatives to the place of interment, in the following order:

The Chaplains of both Houses.

Committee of Arrangements, viz:

Mr. EVANS, of Maine.

Mr. ATHERTON, of N. H.	Mr. COLES, of Va.
Mr. CONNOR, of N. C.	Mr. JOHNSON, of La.
Mr. WHITTLESEY, of Ohio.	Mr. FILLMORE, of N. Y.

Pall Bearers, viz:

Mr. THOMAS, of Maryland.	Mr. CAMPBELL, of S. C.
Mr. WILLIAMS, of N. H.	Mr. WHITE, of Indiana.
Mr. OGLE, of Pennsylvania.	Mr. MARTIN, of Ala.

The family and friends of the deceased.

The members of the House of Representatives and Senators from Maine, as mourners.

The Sergeant-at-arms of the House of Representatives. The House of Representatives, preceded by their Speaker and Clerk.

The Sergeant-at-arms of the Senate.

The Senate of the United States, preceded by the Vice President and their Secretary.

The President of the United States.

The Heads of Departments.

Judges of the Supreme Court, and its officers.

Foreign Ministers.

Citizens and Strangers.

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Death of the Representative Jonathan Cilley, Esq.

[FEBRUARY, 1838.]

IN SENATE.

TUESDAY, February 27.

Mr. WHITE rose and said, that in order that the Senate might carry into effect the resolution adopted yesterday in relation to attending the funeral of the deceased member from Maine, he would move that the Senate adjourn; which motion was concurred in.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 28.

Death of Honorable Jonathan Cilley.

Mr. FAIRFIELD asked leave to offer the following resolutions:

Resolved, That a committee, consisting of seven members, be appointed to investigate the causes which led to the death of the Hon. JONATHAN CILLEY, late a member of this House, and the circumstances connected therewith, and report thereon to the House.

Resolved, That said committee have power to send for persons and papers, and have leave to sit during the sessions of the House.

Mr. BELL objected. He thought that whatever was done in this matter, had better be postponed until the House became more calm, and was able to act more coolly on the subject.

Mr. FAIRFIELD moved a suspension of the rule.

Mr. PARKER called for the yeas and nays, which were ordered, and were—yeas 113, nays 31.

So the rules were suspended.

Mr. FAIRFIELD said: Mr. President, entertaining the views and feelings which I do entertain in regard to the awful tragedy in which certain members of this House lately participated, I could not refrain from offering the resolutions which have just been read. Sir, if I had held back, and refused to move in this affair, "the voice of my brother's blood would cry to me from the ground." My late colleague and friend has been shot down and deprived of life in a manner, and under circumstances, that seem to me most imperiously to demand an investigation. It is due to the surviving family and friends of the deceased, that we should take cognizance of this affair: it is due to ourselves, to our country, to humanity, and to God; and I trust that no member will shrink from the high and solemn responsibility thus cast upon him. But, aside from the peculiar circumstances of this case, and our peculiar duties resulting from them, it appears to me that an opportunity is presented, which every good man should be quick to improve, for assailing the barbarous and inhuman practice of duelling—a practice which does violence to the laws of God, to the best feelings of our own nature, and to the dictates of reason—a practice which is entirely behind, and unworthy of the age of civilization in which we live, and which should unite the earnest and faithful efforts of every friend to his species for its extermination.

Under the circumstances of this case, however, the deceased being my friend, and my own feelings being deeply and strongly excited, I feel that there would be a propriety in the Speaker's departing from the usual rule, by omitting to place me upon the committee; and I accordingly make that request.

Mr. W. C. JOHNSON said he had voted against the suspension of the rule to introduce these resolutions, because, on hearing them read, he came to the conclusion that no good could result from them. No one could feel greater grief than himself at the calamity which befell the friends of the gentleman whose death we all now mourned, but he had voted against bringing in these resolutions because he did not know what power Congress had to suppress duelling. It was an evil in the state of society, which made it necessary in some cases for gentlemen to resort to this mode of settling personal disputes, and he much regretted that it was so; but he did not apprehend that this inquiry was going to correct the evil, or that any salutary good could be effected by this inquiry. As to the particulars in this case, if it was desired to obtain them, the morning papers gave all the facts and circumstances connected with it; and if it was intended to enact an anti-duelling law, he would ask where, under the constitution, you obtain the right to enact it. That was a matter which belonged to the States alone, and many of them have passed laws on this subject; and, in his opinion, it would be a usurpation of power for Congress to undertake to act on this subject. He should vote against this resolution, because he considered that it would be a reflection upon all the parties connected with the unfortunate occurrence alluded to in the resolution. He looked upon it as reflecting upon the wisdom and the justice of the parties engaged in it. He would ask any gentleman if either of these parties had been guilty of any moral delinquency, or of any act which would bring him so far within the rules and laws of the House as to justify his expulsion? If any gentleman would rise in his place, and state that either of them had violated the rules of honor, or done any act which would make him an unfit associate for the members of this House, he would go as far as any one to have this inquiry instituted; he would vote not only for a committee of inquiry, but he would vote to expel such individual from the House; and he would almost go to expel him from off the face of the earth. But no such thing had been intimated against any member of the House, and what right have we to go into this matter? What right have we to inquire into the private relations of gentlemen? What right have we to institute ourselves into a board of honor to inquire into a matter of this kind?

Mr. PARKER regretted that he found himself compelled to differ in opinion from his friend from Maryland, (Mr. JOHNSON;) that he had heard from him no good reason expressed against the adoption of the resolutions. It was

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said that Congress had no power to legislate on this subject, and that that power was reserved to the States. Surely Congress has the power to act in reference to the District of Columbia, and it could not be denied that the House of Representatives had jurisdiction over its own members. His friend had said that if any member would state on this floor that the unfortunate transaction had not been conducted according to the rules of the "code of honor," he would vote for this resolution. Mr. P. said he made no assertion of that kind. He did not profess to be skilled in the nice technicality of those rules, as they were understood by some gentlemen here; that with his constituents the rules of honor were the rules of law, religion, and morality; but he would say that the transaction referred to was a violation of the laws of God and man, and called imperiously upon this House to guard against the recurrence of such heart-rending scenes; and every consideration of duty to the public and to ourselves required prompt and decisive action.

Mr. DAWSON said that no gentleman regretted more than himself, the unfortunate occurrence which had taken place, but he considered that when we were about to involve the feelings of all the gentlemen connected with the affair, that we ought to pause before we acted. He would inquire of gentlemen what the result of this inquiry would be, and what benefit could accrue to the community from it. He admitted that Congress had a right to pass a law to prohibit duelling in the District of Columbia, and for such a measure, when brought forward, he would vote; but he would ask gentlemen what good was expected to result from this inquiry?

Mr. MATTHIAS MORRIS had no disposition to take part in the discussion of this question, but on hearing the resolution read, it occurred to him that it did not reach far enough, and he proposed an amendment with a view of having some action of Congress on this subject, which would prevent the practice of duelling in future.

Mr. BELL did not doubt that the introduction of this resolution was well intended; and he had no doubt that the motive of the House, in suspending the rules for the purpose, was a very laudable one; but it was his deliberate judgment that this resolution was not calculated to produce that desirable result which was expected to arise from it. Instead of its being a benefit, he feared that it would be the cause of additional mischief.

Mr. McKENNAN said that the peculiar position in which he stood towards his constituents, demanded that he should say a word in explanation of the vote he had given against the suspension of the rule, and state the reasons why he would vote in favor of the motion to postpone the further consideration of the subject for one week. His constituents, he said, condemned the practice of duelling in the most unqualified terms; and in that condemnation he most heartily agreed with them. *He abhorred the practice, from the very bottom of his*

soul, and would go as far as the farthest on this floor in suppressing it. He further said, he would yield to no gentleman in deploring the tragical event which had cast a melancholy gloom over the city, and which we had all been called upon to mourn. He *sympathized, deeply sympathized,* with the relatives of the deceased; and if he could pour the oil of consolation into the bosom of his surviving partner, nothing would afford him more satisfaction. [Here the SPEAKER interposed, and said the question was on postponement.]

Mr. BOON had voted for the suspension, and should now vote for the resolution upon the ground of its being a matter of privilege, involving the right of debate in this House.

Mr. PORTER could not see any good result which could arise from the postponement of the question. No honorable gentleman would suffer any other feelings to influence his course than those which pertain to high and pure principles of a moral character and duty to his country. If he could concur in opinion with his honorable colleague, that this proceeding cast any reflection upon the living, or the memory of the dead, he would pause, and ask for more time to consider and reflect upon the subject.

Mr. FAIRFIELD, in order to meet the views of gentlemen, modified his resolution, by adding to the end thereof the following: "And further to inquire whether there has been, in the case alluded to, any breach of the privileges of this House."

Mr. LOOMIS said it appeared to him, when they had so plain a state of facts as was here presented, that there could be no difficulty in deciding upon it at once.

Mr. GRENNELL had heard no good reason for immediate action on this question, and he trusted the question would be postponed until the present excitement had passed away.

Mr. BRONSON said: At present, the question is not *what* we shall do, but whether we shall act at all; whether we shall proceed to investigate the matter; whether we shall take any cognizance of the late most tragical and unfortunate occurrence. If we act at all, we should act promptly. Our duty to our country and ourselves requires of us that we should entertain the resolution—that we should at once show our willingness to investigate. On this point there should not be any delay.

The House refused to postpone—yeas 84, nays 117.

Mr. GARLAND, of Louisiana, stated, that if he had been in the House when the vote to suspend was taken, he should have recorded his name against it, for he was opposed to any investigation of the matter.

Mr. CLOWNEY demanded the previous question on the resolution as modified; which was seconded—yeas 105, noes not counted.

So the House determined that the main question, being on the adoption of the resolutions, be now put.

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The Neutrality Bill.

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Mr. CUSHMAN and Mr. TAYLOR rose simultaneously, and called for the yeas and nays, which were ordered, and were as follows:

YEAS.—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Bouldin, Briggs, Brodhead, Bronson, Bruyn, Bynum, Wm. B. Calhoun, Cambreleng, John Campbell, Casey, Chaney, Clark, Cleveland, Clowney, Coles, Corwin, Craig, Crary, Cushman, Davee, Davies, Deberry, DeGraff, Duncan, Edwards, Evans, Everett, Farrington, Fairfield, Richard Fletcher, I. Fletcher, Fillmore, Fry, Gallup, James Garland, Glascock, Goode, Grantland, Grant, Gray, Grennell, Griffin, Haley, Hall, Hammond, Harrison, Harper, Hastings, Hawkins, Haynes, Henry, Holsey, Hopkins, Howard, Hubley, Ingham, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Kilgore, Klingensmith, Lewis, Lincoln, Logan, Loomis, Lyon, Marvin, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKim, McKennan, Mercer, Miller, Montgomery, Moore, Morgan, Matthias Morris, Samuel W. Morris, Calvary Morris, Naylor, Noble, Noyes, Ogle, Owens, Palmer, Parker, Patterson, Paynter, Peck, Petrikin, Phillips, Pickens, Plumer, Potts, Potter, Pratt, Prentiss, Rariden, Randolph, Reed, Rencher, Rhett, Richardson, Rives, Russell, Sheffer, Augustine H. Shepperd, Charles Shepard, Sheplor, Sibley, Slade, Smith, Spencer, Steward, Stratton, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Vanderveer, Wagener, Webster, Weeks, Elisha Whittlesey, T. T. Whittlesey, L. Williams, J. W. Williams, Worthington, Yell, and Yorke—152.

NAYS.—Messrs. Ayerigg, Bell, John Calhoun, William B. Campbell, Wm. B. Carter, Chambers, Chapman, Cheatham, Connor, Cranston, Curtis, Dawson, Dromgoole, Dunn, Ewing, Rice Garland, James Graham, William Graham, Harlan, Hawes, Hoffman, R. M. T. Hunter, Henry Johnson, W. C. Johnson, Legare, Mallory, James M. Mason, Maury, May, Milligan, Mitchell, Patton, Pearce, Pope, Ridgway, Robertson, Sawyer, Shields, Snyder, Southgate, Stanly, Stone, Taliaferro, Thompson, Underwood, Albert S. White, John White, Sherrod Williams, and Joseph L. Williams—49.

So the resolution was agreed to.

IN SENATE.

WEDNESDAY, February 28.

Books for Members.

Mr. ROBBINS, from the Committee on the Library, reported a joint resolution, authorizing the Secretary of the Senate and Clerk of the House to subscribe for ten copies of Niles' Register for each of the members of Congress, provided that he would consent to publish the proceedings of Congress, with the yeas and nays on each question so taken, and also a supplement at the end of the session, containing all public and private laws of Congress, and furnish to each member one copy of this supplement free of charge.

Mr. BENTON said it was time for this business to be stopped, and he should call for the yeas and nays on the question. The argument

used, in the first instance, by gentlemen who advocated this system of book purchasing, was, that some members had been furnished with books which the new Senators had not. In this case the argument would not apply, and we had now reached that point where the whole system might be abandoned, and he hoped it would be.

Mr. ROBBINS said he would move to lay it on the table for the present.

Mr. BENTON. There let it lie, and I hope forever.

Mr. ROBBINS said he would not consent to that.

The question on laying it on the table, was carried in the affirmative.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 1.

The following Select Committee on the resolution to inquire into the circumstances which led to the death of the late Hon. JONATHAN CILLEY, was read from the journal this morning: Mr. TOUCEY, of Connecticut; Mr. POTTER, of Pennsylvania; Mr. BRIGGS, of Massachusetts; Mr. ELMORE, of South Carolina; Mr. BRUYN, of New York; Mr. HARRISON, of Missouri; Mr. RARIDEN, of Indiana.

Mr. BRIGGS and Mr. HARRISON were excused, and the vacancy ordered by the House to be filled up.

FRIDAY, March 2.

Mr. GRENELL, of Massachusetts, and Mr. GRANTLAND, of Georgia, were announced as being appointed by the CHAIR to fill the vacancies occasioned by the resignation of Mr. BRIGGS and Mr. HARRISON, on the Select Committee to investigate the causes of the death of the late Hon JONATHAN CILLEY.

The Neutrality Bill.

The bill reported by the Committee on Foreign Affairs was taken up. The provisions of the bill will be understood from the debate.

Mr. HOWARD explained that this bill had been reported by the Committee on Foreign Affairs, in consequence of the difficulty of amending the Senate's bill in such manner as to meet the views of the members of the House.

Mr. UNDERWOOD moved to strike out the words which authorized the President to release goods which may be taken in certain cases, in order to prohibit the President from acting in a judicial capacity.

Mr. HOWARD stated that this provision was introduced, because it was considered that the President was the most competent judge in these cases. He was fully acquainted with our relations with foreign countries, which made him more competent to judge in such cases than the judges of courts. If the matter was referred to the courts, there might be difference of opin-

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ion between the judges, in consequence of the information which was in their possession; but the President, having all the information, could decide more understandingly and properly.

Mr. UNDERWOOD replied, that his objection to the clause which he had moved to strike out, was, that it invested the Executive with judicial powers, which powers belonged exclusively to the Judiciary department; because it enabled him to determine whether or not an offence had been committed. He apprehended it would not do in this country to vest judicial powers in the Executive.

Mr. McKAY considered that this clause simply gave power to the Executive, in cases where property had been seized, to release it. The law provided for the seizure of property, but not for its forfeiture; therefore, it was proper that the President should have the power to release it, under certain circumstances. In case this amendment prevailed, and the clause was struck out, goods could only be restored by the judgment of courts; and where they had been seized in consequence of a violation of the law, there must be great delay and loss.

The motion to strike out was disagreed to.

Mr. FILLMORE moved to strike out that part of the second section which made the bill applicable only to conterminous territories. It might be said that there was very little danger of getting into any difficulty with countries which did not lie contiguous to the United States; but he thought our legislation ought to be uniform.

Mr. HOWARD remarked that it was necessary to shape our legislation to the circumstances in which we were placed. We already had laws which were applicable to expeditions fitted out for service at sea, and against foreign countries, and it now became necessary to pass laws to preserve our neutrality with conterminous countries, and this law had been introduced to effect that object.

Mr. HOLSEY contended that this bill was to place us in the same relation to conterminous countries which it did to other foreign countries.

Mr. FILLMORE sustained his amendment on the ground that the bill created invidious distinctions, which ought never to exist in the legislation of any country.

The amendment of Mr. FILLMORE was disagreed to.

Mr. EVERETT moved to strike out that clause which provided that the law should not interfere with the trade authorized to be carried on by the laws of nations—lost.

Mr. ROBINSON moved an amendment, providing that in all cases of seizure, affidavit should first be made, and a warrant issued.

Mr. R. urged his amendment on the House, on the ground of the unconstitutionality of making seizures without due course of law.

Mr. PATTON replied to Mr. R., pointing to the third section of the bill, which provided that immediately after the seizure, a warrant should

be obtained in due form from some judicial officer, for the purpose of holding the property seized. This he contended was all that was necessary to guard against the abuse of power, and he argued that if a warrant under oath was to be obtained before seizure, that the law would be wholly ineffectual, as it would in almost every instance, if not in every one, be evaded.

Mr. MENIFEE then addressed the House at some length, in opposition to the bill, on the ground of its unconstitutionality.

The debate was further continued by Messrs. LEGARE, MENIFEE, MAXWELL, and UNDERWOOD; when

Mr. CUSHMAN moved the previous question; which was seconded—83 to 41, and the main question ordered, and was passed—yeas 130, nays 45.

IN SENATE.

FRIDAY, March 2.

Anti-Duelling Bill.

Mr. PRENTISS, agreeably to leave, introduced a bill to prohibit the giving or accepting within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.

Mr. PRENTISS said: Mr. President, in bringing forward this measure, I have acted from a high sense of duty. The moral and religious principles in which I have been educated, and which I regard as binding upon me in all circumstances and situations, whether public or private, in which I am placed, would not allow me to hold a seat here, and remain inactive in this matter. And I call upon Senators, upon grave, considerate Senators, heads of families, fathers of the land, to interpose their authority and influence to stay a practice as unsuited to the enlightened age in which we live, as it is revolting to the moral and religious feeling of the country. I call upon them by their regard to the rising generation, upon whom the hopes of the country rest; by their regard to the eternal and immutable principles of moral rectitude; by every consideration of justice and humanity; by the duty they owe to God and their country, to give their aid and support to a measure demanded by the moral sense of the nation, and no less necessary to maintain freedom of discussion here, than it is essential to personal security, and to the preservation of law, liberty, and social order.

Independent Treasury.

The Senate took up the Independent Treasury bill. Mr. STRANGE occupied the floor until 4 o'clock in favor of the bill, and gave way for a motion to adjourn.

MONDAY, March 5.

Neutral Relations.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which had been referred the

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bill from the House of Representatives "to amend an act entitled 'an act in addition to the act for the punishment of certain crimes against the United States,' and to repeal the acts therein mentioned," reported the same with amendments.

Mr. BUCHANAN said that it was certainly a matter of some importance that this bill should be acted on speedily; and as the amendments which the Committee on Foreign Relations had proposed were very short, and very simple, he was ready at any time to give an explanation of them.

The first amendment was read as follows:

Strike out from the eighth and ninth lines of the first section the words, "other means or materials," and insert instead thereof the words, "any arms or munitions of war;" and, in the same section, after the word "enterprise," in the tenth line, insert the following words, to wit: "against the territory or dominions of any foreign prince or state, or of any colony, district, or people, contiguous with the United States, and with whom they are at peace."

Mr. BUCHANAN observed that the first section of this bill as it came from the House was entirely new, and introduced new provisions into our neutrality laws, the extent of which could not well be foreseen. It was not confined to the particular exigency which had called for the passage of this act, but was co-extensive with the whole world, and might operate very injuriously against the commerce of the United States.

Under the 6th section of the Neutrality Act of April 20, 1818, any person who shall, within the territory of the United States, "begin or set on foot, or provide or prepare the means for any military expedition or enterprise," against a friendly power, was punishable by a fine not exceeding \$3,000, and imprisonment not exceeding three years. The 8th section of the same act conferred upon the President the power of employing the army, the navy, and the militia of the United States, to prevent "the carrying on of any such expedition or enterprise," from our territory, against any power with which we should be at peace. The Senate will observe that this power of prevention was not to be exerted until the expedition had been prepared, and was ready to leave the United States for the purpose of accomplishing the object of its destination.

Although it was rendered criminal for any person "to provide or prepare the means" for such an enterprise, and after a regular trial and conviction, the offender was liable to severe punishment, yet the framers of the act of 1818, which was admirably drawn, did not deem it necessary to authorize the President to direct a seizure, in the first instance, of every article of every description which might be intended to be used as "the means" for conducting such an expedition. The Committee on Foreign Relations were of opinion that it might be very inconvenient to our citizens to intrust executive officers with such a broad and sweeping

authority. Hence, in the bill which had passed the Senate, there was no authority conferred upon these officers to seize any articles except arms and munitions of war, and vessels or vehicles fitted out with apparent hostile intentions against a friendly contiguous power, and which were about to be sent, or to pass across the interior frontiers of the United States.

In the first section of the House bill, now before the Senate, none of these limitations were to be found, either in regard to the articles which might be seized, or the foreign countries to which they might be destined. Every collector, naval officer, surveyor, or inspector of the customs in all the ports of the United States, every marshal or deputy marshal, and every other person whom the President might empower for the purpose, was authorized and required to seize and detain, not merely arms and munitions of war, but any other "means or materials" provided for such an expedition, no matter whether it was destined for Europe, Asia, Africa, or America. How easily a power so extensive, especially when conferred upon such a host of subordinate officers, might be abused, every Senator could at once perceive. Merchants who had fitted out vessels to trade with foreign countries in a state of war, might be thus harassed and annoyed; and that too without any good reason. The present exigency demanded no such general change in our neutrality laws; perhaps, in this particular, it demanded no change at all. What was that exigency? An insurrection had broken out in Upper and Lower Canada against the British Colonial Government. These two Provinces, together with Texas and Mexico, were contiguous with the United States. The duties of good neighborhood, the preservation of peace and quiet along the borders, required that the rights of our citizens, under the law of nations, should be abridged in furnishing arms and munitions of war to the insurgents. A few plain and simple, but precise provisions had been adopted by the Senate, confined to the particular case in point, and other similar cases which might arise, to prevent our citizens from sending vessels or vehicles, arms or munitions of war across the border, intended to be employed in aiding the insurgents in their hostile attempts.

There was no more fruitful source of error in legislation than to make general and indefinite provisions, when the evil to be remedied was confined to a particular and special case.

Considering the urgent necessity of the present crisis, and the danger that the passage of any bill might be defeated by a collision of opinion between the two Houses, the committee had determined not to move a rejection of the first section of the bill from the House. They had contented themselves with proposing such amendments as would confine its operation within proper limits. According to these amendments, the articles which might be seized were restricted to arms and munitions of war; and their places of destination would not be

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the world generally, but only conterminous countries.

Mr. CLAY, of Kentucky, considered the amendments offered, such as under all the circumstances ought to be adopted. There were two considerations which, on general principles, recommended the adoption of the amendments. The first was, that the power of the Executive was probably too much extended by the bill, without the changes introduced, and the other, that the right of the citizen to conduct foreign trade and commerce was too much abridged.

Mr. NORVELL said he would like to propound one question to the honorable chairman. It was well known that these *patriots*, as they were called by some, adopted a mode of operation extremely difficult to detect. They were in the habit of procuring wagons like those used by the tin peddlers, in which were secreted arms and munitions of war; and these were driven over the lines, or hidden in the Maumee swamps, from whence they could be taken at pleasure. He wished to know if there was any clause in the bill which would reach this case?

Mr. BUCHANAN replied, that the bill did make a precise provision in its second section.

The amendment was agreed to.

The second amendment was read :

Section 2. Strike out the proviso at the end of this section, and insert in its stead the following : " Provided that nothing in this act contained shall be construed to extend to, or interfere with any trade in arms or munitions of war, conducted in vessels by sea with any foreign port or place whatever, which might have been lawfully carried on before the passage of this act, under the law of nations, and the provisions of the act hereby amended."

Mr. BUCHANAN said that a short explanation of this amendment was necessary. The second section of the bill seemed to be intended as a substitute for the first and second sections of the bill which had passed the Senate. Our bill had been confined to citizens of the United States: the bill of the House embraced all persons. We had believed that if the United States prevented their own citizens from aiding in insurrectionary movements in neighboring provinces or countries, we had performed our duty. Under the law of nations, it was lawful for citizens of the United States to sell arms and munitions of war to foreigners, without regard to the use which was intended to be made of them. If they were captured in proceeding to a foreign country, this was the fate of war, and the foreign purchaser must suffer the loss. We had not intended to abridge this trade: and hence our bill had confined the seizures to arms and munitions of war belonging to citizens of the United States.

The provisions of the House bill might essentially interfere with our foreign commerce in arms and munitions of war, unless they were confined to the particular objects which we all had in view. For example, Mexico was a country conterminous with the United States.

Suppose the existence of a civil war there, and the opponents of the Government to have obtained possession of the port and city of Vera Cruz. Under this bill, neither citizens of the United States nor foreigners could carry cargoes of arms or munitions of war to that city from any of our ports, for the purpose of selling them to the party in the civil war opposed to the Government, because it would be notorious that they were intended to be employed in carrying on military operations within the territory of a friendly power; and yet such a trade had always existed.

The object of the proposed amendment was to preserve this trade to our citizens, by confining the operation of the second section of the bill to the interior frontiers of the United States, leaving the trade *by sea* in arms and munitions of war to be regulated as it had been heretofore under the act of 1818.

The third amendment was read :

Section three, line twelve, insert after the word "time" the words, "not exceeding ten days."

Mr. BUCHANAN said that, in almost every respect the House had adopted a much stronger measure than the Senate had deemed necessary. We did believe that where a man's property was seized upon suspicion, no matter how strong, if he would give bond and good security, in double its value, that it should not be employed in violating the provisions of the law, that it ought to be immediately restored to his possession. The House had adopted a different opinion. Under the provisions of their bill, at least three months must elapse before arms and munitions of war could be restored to the owner, upon his giving such a bond and security. The proposed amendment was intended to correct what he could not but believe was a mere omission in the House. As the third section now stood, the officer or person who had seized the property, might hold it as long as he himself deemed a reasonable time, without applying to the Judge for a warrant for its detention. The proposed amendment provided that he should make this application to the Judge for a warrant within a reasonable time, *not exceeding ten days* from the date of the seizure.

The fourth amendment was read and adopted, without debate; and is as follows :

SEC. 7. After the words "reason to believe" in the second line, insert as follows : "that the provisions of this act have been or are likely to be violated."

The fifth amendment was read; and the following as a new section :

SEC. 9. *And be it further enacted*, That this act shall continue in force for the period of two years, and no longer.

Mr. BUCHANAN said that he was not at all satisfied with the bill; and he believed he might say as much for the Committee on Foreign Relations. But the crisis demanded that we

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should adopt some measure promptly; and they had deemed it necessary to take this measure, with all its imperfections, rather than do nothing. Such seemed to be the only alternative, under existing circumstances. There was one complaint, at least, which could not justly be made against the bill; and that was, that it did not give sufficient power to the Executive. The committee were opposed to making this a permanent law, and placing it as such upon our statute book, as part of our code to regulate our neutral relations with foreign Governments. He hoped that before two years should elapse, some well considered and carefully drawn bill might be adopted on the subject.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 6.

Divorce of Bank and State.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported that

The suspension of specie payments by the banks throughout the United States, in May last, compelled the Secretary of the Treasury, in obedience to the constitution and existing laws, to dispense with their agency and the use of their notes, and to employ the officers of Government as the fiscal agents of his Department. The banks refused to pay the large surplus deposited with them in the only medium authorized by law, and the expenditures of Government would have been generally suspended, had not the public creditors consented to receive their dues in drafts upon banks which paid them only in irredeemable notes.

Under such extraordinary circumstances, it became obviously necessary to devise some mode of managing our finances, which would prevent similar embarrassments in future. The President, accordingly, in discharging his constitutional duty, recommended, at the late session, a series of measures, calculated, as your committee believe, to give stability to the operations of the Treasury, and, at the same time, to relieve the trade and banks of the country from a connection mutually disadvantageous to them and to Government.

These recommendations were opposed by the friends of a National Bank, and by others who desired to renew our fiscal relations with the State banks. It was, however, admitted that there was no prospect of the establishment of a national institution for some years to come, if ever; and the explosion of the State bank deposit system was too recent to warrant the expectation of its renewal at an early period, if at all. Notwithstanding, however, the condition of our finances, and the urgent necessity of some regulation to render our Treasury independent of banks, and provide additional guards for the safe-keeping of the public money, the Treasury was left amidst all its embarrassments. The same regulations are again recommended by the President; and nothing has, in the mean time, occurred to induce the committee to change their opinion, that their adoption is not only essential to the safety and independence of the public Treasury, but to the stability of trade and of every sound bank in the Union.

The events of the last three years have produced a general conviction, that the public money should not

be employed by banks or any other institutions in commercial discounts, however profitable its use might be to their stockholders. During the speculations of 1835 and 1836, the deposit banks stimulated speculation to excess, and in 1837 suddenly withdrew their accommodations to meet the public demands. The accumulation and distribution of the surplus were among the most powerful causes of that alarm which produced the suspension of specie payments. When banks thus employ the public money, they deal in a fund over which they have no control, and its constant transfers and fluctuations embarrass their commercial operations. Even Government itself cannot regulate its amount, anticipate its fluctuations, or the demands upon the Treasury. Under any system of revenue, the transactions of Government would embarrass trade wherever they are united. But in this country, the connection is particularly disastrous, owing to the extraordinary fluctuations in our revenue. Our income is derived from customs and public lands, and is violently affected by the rapid growth of our wealth, commerce, and population. Under our revenue laws, as they have heretofore existed, we have repeatedly had a large surplus at one moment, and immediately after a bankrupt Treasury. By renewing the connection with banks, we shall make the public revenue again instrumental in exciting speculation, embarrassing trade, and injuring every class of the community.

The proposed separation is essential to the steady and independent action of trade, banks, and Government. The finances of the latter must become embarrassed at every revolution, so long as our revenue consists of bank notes or bank deposits. The convertibility of either into specie is wholly illusive, and has been hitherto sustained by confidence alone. That confidence is now destroyed. If a few banks only had suspended specie payments from bad management, confidence in other institutions might have been continued. Or if, as in war, Government had deemed it expedient to borrow their credit and sanction its abuse, it might have revived with the return of peace, and the restoration of specie payments. But it never has occurred before, that, in time of peace, and amidst general prosperity, the banks of a nation have simultaneously suspended specie payments; and, what is far more important, as it regards the future, the wishes of the trading community anticipated the action of the banks, the suspension was hailed as a measure of commercial relief, our Legislatures sanctioned it, and the public were compelled to acquiesce. The effects of the suspension were little understood by those who deemed it a measure of relief. The trade of no country can be relieved by a sudden reduction of its currency. We had been for twelve months under the harsh operation of a diminution of commercial and bank credits. They had nearly, if not quite, reached that minimum from which, after a temporary stagnation of trade, they would naturally have risen again, when the suspension (for all commercial purposes at home) suddenly converted eighty millions of currency into merchandise, and it was withdrawn from circulation. The compound standard of specie and paper, by which the property of the Union had been measured, was abruptly reduced from about one hundred and ninety millions to one hundred and ten millions of a variously depreciated currency; or, if we consider specie as the only common standard, from a hundred and ninety to eighty millions. Foreign exchanges rose, notwithstanding this extraordinary reduction, and all the sanguine anticipations of

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a revival of confidence and credit were disappointed. Our reduced currency was still further diminished, the term of our commercial embarrassments was prolonged, and the revival of trade postponed to an uncertain period. These were the consequences of that measure which it was supposed would relieve the country.

But however we may suffer by the recent suspension, we must anticipate a similar event at every revulsion. It cannot be avoided in this age of speculation, and with our system of banking. In periods of alarm, those who are threatened with bankruptcy will seek relief in any measure, regardless of consequences. The banks will certainly yield to the demands of trade in some parts of the Union, and the recollections of the run upon them in 1837 will produce a panic, which must compel most, if not all, other banks to follow their example. Some portions of the Union may possibly escape; but we may certainly anticipate embarrassment in some sections, and we should accordingly prepare for it. The banking system of this country must be thoroughly reformed before confidence in the convertibility of bank notes can be permanently revived. No such reform can, at this time, be anticipated. A few more disastrous revulsions may compel us, at some future period, to correct the vices of our system; but, for the present, it is evident that our local currencies are to be still further vitiated by State legislation. With our recent experience, and with such a prospect before us, a just and patriotic regard for the public interest urgently requires that the Treasury of the United States should not be hereafter exposed to embarrassment or bankruptcy by being connected with a system liable at all times to explosion, and that it should never again be made dependent upon every vicissitude in the commercial system of the world.

The public mind is satisfied that some plan should be adopted to relieve trade from any connection with our revenues, and to render our Treasury independent of all explosions. Numerous plans have been proposed for making a partial use of banks, for the mere purpose of keeping the public money, under some special deposit system, with an obligation not to employ it in loans to trade. No such deposit can be effectual but one which secures to the Treasury the control over the money specially deposited, and leaves the daily receipts and payments to be made by public officers. Such a system would merely secure the use of the vaults of the banks as places of safety, and would be unnecessary where our public offices are supplied, as they all must be, with vaults or safes, or both, for the preservation of the public archives and treasure. If the banks have control over the public money deposited with them, all the stipulations and obligations which can be contrived will never prevent them from discounting upon it, directly or indirectly; and all the guards we can provide will not secure to the Treasury its specie fund in case of a suspension. The various regulations which have been proposed would be, in practice, mere nullities. The obligation to credit the revenue collected, as specie, has always existed, and would be more binding hereafter than it has been heretofore; and a special deposit, exclusively controlled by the bank, would be as unavailable in case of a suspension as any other, which it would be equally bound in law to pay in specie. A stipulation that the bank should pay the Treasury warrant in specie would be abortive, as that must be determined by the Government creditor. Whether the deposits

are in specie or in bank notes, it will pay out its own notes, and increase its discounts accordingly. Periodical settlements with banks having control over the deposits, before and after the settlement, would be a mere formality. Banks might be employed under a system of joint management and control. Special collections, deposits, and disbursements might be made under the care of two sets of officers, one to be appointed by Government, the other by the banks; but such a plan would require a much greater number of officers than is now proposed; and would, at the same time, enable the banks employed by the Treasury to substitute their notes for the coin collected, and enlarge their issues and their discounts, which is one of the principal evils designed to be avoided by the separation.

The Treasury cannot, with safety to itself or to trade, part with its control over the public money, from its collection to its disbursement. After examining the subject in all its bearings, and with every desire to unite public sentiment in some measure, the committee are more than ever convinced that the simplest, most economical, and best plan, for all interests, as a permanent system, is to employ officers of Government, appointed by the President with the approbation of the Senate, to collect, keep, and disburse the public money, under such regulations, guards, and restrictions as Congress may from time to time deem expedient.

A bill for the divorce of Bank and State, and for the establishment of an Independent Treasury for the United States, was then reported.

IN SENATE.

SATURDAY, MARCH 10.

Independent Treasury Bill.

The Senate resumed the consideration of the Independent Treasury bill; the question being on Mr. BUCHANAN's motion to postpone the bill and amendment till the next session.

The motion was lost by—

YEAS.—Messrs. Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—23.

NAYS.—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—29.

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Having now established by the record that I have changed no opinion, abandoned no principle, nor deserted any party, the charge of the Senator, with all the aspersions with which he accompanied it, falls prostrate to the earth. Here I might leave the subject, and close my vindication. But I choose not. I shall follow the Senator up, step by step, in his unprovoked, and, I may now add, groundless attack, with blows not less decisive and victorious.

The Senator next proceeded to state, that in

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a certain document (if he named it I did not hear him) I assign as the reason why I could not join in the attack on the Administration, that the benefit of the victory would not enure to myself or my party; or, as he explained himself, because it would not place myself and them in power. I presume he referred to a letter, in answer to an invitation to a public dinner, offered me by my old and faithful friends and constituents of Edgefield, in approbation of my course at the extra session.

[Mr. CLAY. I do.]

The pressure of domestic engagements would not permit me to accept their invitation, and, in declining it, I deemed it due to them and myself to explain my course, in its political and party bearing, more fully than I had done in debate. They had a right to know my reasons, and I expressed myself with the frankness due to the long and uninterrupted confidence that had ever existed between us. Having made these explanatory remarks, I now proceeded to meet the assertion of the Senator, and I again take issue on the fact. I assigned no such reason as the Senator attributes to me. I never dreamed or thought of such a one; nor can any force of construction extort it from what I said. No: my object was not power or place, either for myself or party. It was far more humble and honest. It was to save ourselves and our principles from being absorbed and lost in a party more numerous and powerful, but differing from us on almost every principle and question of policy.

When the suspension of specie payments took place in May last, (not unexpected to me,) I immediately turned my attention to the event earnestly, considering it as an event pregnant with great and lasting consequences. Reviewing the whole ground, I saw nothing to change in the opinions and principles I had avowed in 1834, and I determined to carry them out, as far as circumstances and my ability would enable me. But I saw that my course must be influenced by the position which the two great contending parties might take in reference to the question. I did not doubt that the Opposition would rally either on a National Bank, or a combination of State banks, with Mr. Biddle's at the head; but I was wholly uncertain what course the Administration would adopt, and remained so till the Message of the President was received and read by the Secretary at his table. When I saw he went for a divorce, I never hesitated a moment. Not only my opinions and principles long entertained, and, as I have shown, fully expressed years ago, but the highest political motives, left me no alternative. I perceived, at once, that the object, to accomplish which we had acted in concert with the Opposition, had ceased; Executive usurpations had come to an end for the present; and that the struggle with the Administration was no longer for power, but to save themselves. I also clearly saw if we should unite with the Opposition in their attack on the Administration, the vic-

tory over them in the position they occupied, would be a victory over us and our principles. It required no sagacity to see that such would be the result. It was as plain as day. The Administration had taken position, as I have shown, on the very ground I occupied in 1834, and which the whole State Rights party had taken at the same time in the other House, as its journals will prove. The Opposition, under the banner of the bank, were moving against them for the very reason that they had taken the ground they did.

Now, I ask, what would have been the result if we had joined in the attack? No one can now doubt that the victory over those in power would have been certain and decisive, nor would the consequences have been the least doubtful. The first fruit would have been a National Bank. The principles of the Opposition, and the very object of the attack, would have necessarily led to that. We would have been not only too feeble to resist, but would have been committed by joining in the attack with its avowed object to go for one, while those who support the Administration would have been scattered in the winds. We should then have had a bank—that is clear; nor is it less certain, that in its train there would have followed all the consequences which have and ever will follow, when tried—high duties, overflowing revenue, extravagant expenditures, large surpluses; in a word, all those disastrous consequences which have well nigh overthrown our institutions, and involved the country in its present difficulties. The influence of the institution, the known principles and policy of the Opposition, and the utter prostration of the Administration party, and the absorption of ours, would have led to these results as certainly as we exist.

I now appeal, Senators, to your candor and justice, and ask, could I, having all these consequences before me, with my known opinions and that of the party to which I belong, and to which only I owe fidelity, have acted differently from what I did? Would not any other course have justly exposed me to the charge of having abandoned my principles and party, with which I am now accused so unjustly? Nay, would it not have been worse than folly—been madness in me, to have taken any other? And yet, the grounds which I have assumed in this exposition are the very reasons assigned in my letter, and which the Senator has perverted most unfairly and unjustly into the pitiful, personal, and selfish reason, which he has attributed to me. Confirmative of what I say, I again appeal to the record. The Secretary will read the paragraph marked in my Edgefield letter, to which, I presume, the Senator alluded.

"As soon as I saw this state of things, I clearly perceived that a very important question was presented for our determination, which we were compelled to decide forthwith—shall we continue our joint attack with the Nationals on those in power, in

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the new position which they have been compelled to occupy? It was clear, with our joint forces, we could utterly overthrow and demolish them, but it was not less clear that the victory would enure, not to us, but exclusively to the benefit of our allies and their cause. They were the most numerous and powerful, and the point of assault on the position which the party to be assaulted had taken in relation to the banks, would have greatly strengthened the settled principles and policy of the National party, and weakened, in the same degree, ours. They are, and ever have been, the decided advocates of a National Bank, and are now in favor of one with a capital so ample as to be sufficient to control the State institutions, and to regulate the currency and exchanges of the country. To join them with their avowed object in the attack to overthrow those in power, on the ground they occupied against a bank, would, of course, not only have placed the Government and country in their hands without opposition, but would have committed us, beyond the possibility of extrication, for a bank, and absorbed our party in the ranks of the National Republicans. The first fruits of the victory would have been an overshadowing National Bank, with an immense capital, not less than from fifty to a hundred millions, which would have centralized the currency and exchanges, and with them the commerce and capital of the country, in whatever section the head of the institution might be placed. The next would be the indissoluble union of the political opponents, whose principles and policy are so opposite to ours, and so dangerous to our institutions, as well as so oppressive to us."

I now ask, is there any thing in this extract which will warrant the construction that the Senator has attempted to force on it? Is it not manifest that the expression on which he fixes, that the victory would enure, not to us, but exclusively to the benefit of the Opposition, alludes not to power or place, but to principle and policy? Can words be more plain? What then becomes of all the aspersions of the Senator, his reflections about selfishness and the want of patriotism, and his allusions and illustrations to give them force and effect? They fall to the ground without deserving a notice, with his groundless accusation. But, in so premeditated and indiscriminate an attack, it could not be expected that my motives would entirely escape, and we accordingly find the Senator very charitably leaving it to time to disclose my motive for going over. Leave it to time to disclose my motive for going over! I, who have changed no opinion, abandoned no principle, deserted no party; I, who have stood still, and maintained my ground against every difficulty, to be told that it is left to time to disclose my motive! The imputation sinks to the earth with the groundless charge on which it rests. I stamp it with scorn in the dust. I pick up the dart, which fell harmless at my feet. I hurl it back. What the Senator charges on me unjustly, *he has actually done*. He went over on a memorable occasion, and did not leave it to time to disclose his motive.

The Senator next tells us that I bore a character for stern fidelity, which he accompanied with remarks implying that I had forfeited it

by my course on the present occasion. If he means by stern fidelity a devoted attachment to duty and principle, which nothing can overcome, the character is, indeed, a high one, and, I trust, not entirely unmerited. I have, at least, the authority of the Senator himself for saying that it belonged to me before the present occasion, and it is, of course, incumbent on him to show that I have since forfeited it. He will find the task a Herculean one. It would be by far more easy to show the opposite; that, instead of forfeiting, I have strengthened my title to the character; instead of abandoning any principles, I have firmly adhered to them, and that, too, under the most appalling difficulties. If I were to select an instance in the whole course of my life on which, above all others, to rest my claim to the character which the Senator attributed to me, it would be this very one, which he has selected to prove that I have forfeited it. I acted with the full knowledge of the difficulties I had to encounter, and the responsibility I had to incur. I saw a great and powerful party, probably the most powerful in the country, eagerly seizing on the catastrophe which had befallen the currency, and the consequent embarrassments that followed, to displace those in power, against whom they had been long contending. I saw that, to stand between them and their object, I must necessarily incur their deep and lasting displeasure. I also saw that, to maintain the Administration in the position they had taken, to separate the Government from the banks, I would draw down on me, with the exception of some of the Southern banks, the whole weight of that extensive, concentrated, and powerful interest—the most powerful by far of any in the whole community; and thus I would unite against me a combination of political and moneyed influence almost irresistible. Nor was this all. I could not but see that, however pure and disinterested my motives, and however consistent my course with all I had ever said or done, I would be exposed to the very charges and aspersions which I am now repelling. The ease with which they could be made, and the temptation to make them, I saw were too great to be resisted by the party morality of the day, as groundless as I have demonstrated them. But there was another consequence that I could not but foresee, far more painful to me than all others. I but too clearly saw that, in so sudden and complex a juncture, called on as I was to decide on my course instantly, as it were, on the field of battle, without consultation, or explaining my reasons, I would estrange for a time many of my political friends, who had passed through with me so many trials and difficulties, and for whom I feel a brother's love. But I saw before me the path of duty, and, though rugged, and hedged on all sides with these and many other difficulties, I did not hesitate a moment to take it. After I had made up my mind as to my course, in a conversation with a friend about the responsibility I would

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assume, he remarked that my own State might desert me. I replied that it was not impossible; but the result has proved that I underestimated the intelligence and patriotism of my virtuous and noble State. I ask her pardon for the distrust implied in my answer; but I ask with assurance it will be granted, on the grounds I shall put it—that in being prepared to sacrifice her confidence, as dear to me as light and life, rather than disobey, on this great question, the dictates of my judgment and conscience, I proved myself worthy of being her representative.

But if the Senator, in attributing to me stern fidelity, meant, not devotion to principle, but to party, and especially the party of which he is so prominent a member, my answer is, that I never belonged to his party, nor owed it any fidelity; and, of course, could forfeit, in reference to it, no character for fidelity. It is true, we acted in concert against what we believe to be the usurpations of the Executive; and it is true, that, during the time, I saw much to esteem in those with whom I acted, and contracted friendly relations with many which I shall not be the first to forget. It is also true that a common party designation was applied to the Opposition in the aggregate, not, however, with my approbation; but it is no less true that it was universally known that it consisted of two distinct parties, dissimilar in principle and policy, except in relation to the object for which they had united: the National Republican party, and the portion of the State Rights party which had separated from the Administration, on the ground that it had departed from the true principles of the original party. That I belonged exclusively to that detached portion, and to neither the Opposition nor Administration party, I prove by my explicit declaration, contained in one of the extracts read from my speech on the currency in 1834. That the party generally, and the State which I represent in part, stood aloof from both of the parties, may be established from the fact that they refused to mingle in the party and political contests of the day. My State withheld her electoral vote in two successive Presidential elections; and, rather than to bestow it on either the Senator from Kentucky, or the distinguished citizen whom he opposed, in the first of those elections, she threw her vote on a patriotic citizen of Virginia, since deceased, of her own politics, but who was not a candidate; and, in the last, she refused to give it to the worthy Senator from Tennessee near me, (Judge WARR.) though his principles and views of policy approached so much nearer to hers than that of the party to which the Senator from Kentucky belongs. But, suppose the fact was otherwise, and that the two parties had blended so as to form one, and that I owed to the united party as much fidelity as I do to that to which I exclusively belonged; even on that supposition, no conception of party fidelity could have controlled my course on the present occasion.

I am not among those who pay no regard to party obligations; on the contrary, I place fidelity to party among the political virtues, but I assign to it a limited sphere. I confine it to matters of detail and arrangement, and to minor questions of policy. Beyond that, on all questions involving principles, or measures calculated to affect materially the permanent interests of the country, I look only to God and country.

And here, Mr. President, I avail myself of the opportunity to declare my present political position, so that there may be no mistake hereafter. I belong to the old Republican State Rights party of '98. To that, and that alone, I owe fidelity, and by that I shall stand through every change, and in spite of every difficulty. Its creed is to be found in the Kentucky resolutions, and Virginia resolutions and report; and its policy is to confine the action of this Government within the narrowest limits compatible with the peace and security of these States, and the object for which the Union was expressly formed. I, as one of that party, shall support all who support its principles and policy, and oppose all who oppose them. I have given, and shall continue to give, the Administration a hearty and sincere support on the great question now under discussion, because I regard it as in strict conformity to our creed and policy, and shall do every thing in my power to sustain them under the great responsibility which they have assumed. But let me tell those who are more interested in sustaining them than myself, that the danger which threatens them lies not here, but in another quarter. This measure will tend to uphold them if they stand fast, and adhere to it with fidelity. But, if they wish to know where the danger is, let them look to the fiscal department of the Government. I said, years ago, that we were committing an error the reverse of the great and dangerous one that was committed in 1828, and to which we owe our present difficulties, and all we have since experienced. Then we raised the revenue greatly, when the expenditures were about to be reduced by the discharge of the public debt; and now we have doubled the disbursements, when the revenue is rapidly decreasing; an error, which, although probably not so fatal to the country, will prove, if immediate and vigorous measures be not adopted, far more so to those in power. The country will not, and ought not, to bear the creation of a new debt, beyond what may be temporarily necessary to meet the present embarrassment; and any attempt to increase the duties must, and ought to prove fatal to those who may make it, so long as the expenditures may, by economy and accountability, be brought within the limits of the revenue.

But the Senator did not confine his attacks to my conduct and motives in reference to the present question. In his eagerness to weaken the cause I support, by destroying confidence in me, he made an indiscriminate attack on my

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intellectual faculties, which he characterized as metaphysical, eccentric, too much of genius, and too little common sense, and of course wanting a sound and practical judgment.

Mr. President, according to my opinion, there is nothing of which those who are endowed with superior mental faculties ought to be more cautious, than to reproach those with their deficiency to whom Providence has been less liberal. The faculties of our mind are the immediate gift of our Creator, for which we are no farther responsible than for their proper cultivation, according to our opportunities, and their proper application to control and regulate our actions. Thus thinking, I trust I shall be the last to assume superiority on my part, or reproach any one with inferiority on his; but those who do not regard the rule, when applied to others, cannot expect it to be observed when applied to themselves. The critic must expect to be criticized, and he who points out the faults of others, to have his own pointed out.

I cannot retort on the Senator the charge of being metaphysical. I cannot accuse him of possessing the powers of analysis and generalization, those higher faculties of the mind, (called metaphysical by those who do not possess them,) which decompose and resolve into their elements the complex masses of ideas that exist in the world of mind, as chemistry does the bodies that surround us in the material world; and without which those deep and hidden causes which are in constant action, and producing such mighty changes in the condition of society, would operate unseen and undetected. The absence of these higher qualities of the mind is conspicuous throughout the whole course of the Senator's public life. To this it may be traced that he prefers the specious to the solid, and the plausible to the true. To the same cause, combined with an ardent temperament, it is owing that we ever find him mounted on some popular and favorite measure which he whips along, cheered by the shouts of the multitude, and never dismounts till he has rode it down. Thus, at one time, we find him mounted on the protective system, which he rode down; at another, on internal improvement; and now he is mounted on a bank, which will surely share the same fate, unless those who are immediately interested shall stop him in his headlong career. It is the fault of his mind to seize on a few prominent and striking advantages, and to pursue them eagerly without looking to consequences. Thus, in the case of the protective system, he was struck with the advantages of manufactures; and, believing that high duties was the proper mode of protecting them, he pushed forward the system without seeing that he was enriching one portion of the country at the expense of the other; corrupting the one and alienating the other; and, finally, dividing the community into two great hostile interests, which terminated in the overthrow of the system itself. So, now, he looks only to a uniform currency, and a bank as the means of securing

it, without once reflecting how far the banking system has progressed, and the difficulties that impede its farther progress; that banking and politics are running together to their mutual destruction; and that the only possible mode of saving his favorite system is to separate it from the Government.

To the defects of understanding, which the Senator attributes to me, I make no reply. It is for others, and not me, to determine the portion of understanding which it has pleased the Author of my being to bestow on me. It is, however, fortunate for me, that the standard by which I shall be judged is not the false, prejudiced, and, as I have shown, unfounded opinion which the Senator has expressed, but my acts. They furnish materials, neither few nor scant, to form a just estimate of my mental faculties. I have now been more than twenty-six years continuously in the service of this Government, in various stations, and have taken part in almost all the great questions which have agitated this country during this long and important period. Throughout the whole I have never followed events, but have taken my stand in advance, openly and freely avowing my opinions on all questions, and leaving it to time and experience to condemn or approve my course. Thus acting, I have often, and on great questions, separated from those with whom I usually acted, and if I am really so defective in sound and practical judgment as the Senator represents, the proof, if to be found anywhere, must be found in such instances, or where I have acted on my sole responsibility. Now, I ask, in which of the many instances of the kind is such proof to be found? It is not my intention to call to the recollection of the Senate all such; but that you, Senators, may judge for yourselves, it is due in justice to myself, that I should suggest a few of the most prominent, which at the time were regarded as the Senator now considers the present; and then, as now, because where duty is involved, I would not submit to party trammels.

I go back to the commencement of my public life, the war session, as it was usually called, of 1812, when I first took my seat in the other House, a young man, without experience to guide me; and I shall select, as the first instance, the Navy. At that time the Administration and the party to which I was strongly attached, were decidedly opposed to this important arm of service. It was considered anti-republican to support it; but acting with my then distinguished colleague, Mr. Cheves, who led the way, I did not hesitate to give it my hearty support, regardless of party ties. Does this instance sustain the charge of the Senator?

The next I shall select is the restrictive system of that day, the embargo, the non-importation and non-intercourse acts. This, too, was a party measure, which had been long and warmly contested, and of course the lines of party well drawn. Young and inexperienced as I was, I saw its defects, and resolutely opposed

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it, almost alone of my party. The second or third speech I made, after I took my seat, was in open denunciation of the system; and I may refer to the grounds I then assumed, the truth of which have been confirmed by time and experience, with pride and confidence. This will scarcely be selected by the Senator to make good his charge.

I pass over other instances, and come to Mr. Dallas's bank of 1814-'15. That, too, was a party measure. Banking was then comparatively but little understood, and it may seem astonishing, at this time, that such a project should ever have received any countenance or support. It proposed to create a bank of \$50,000,000, to consist almost entirely of what was called then the war stocks; that is, the public debt created in carrying on the then war. It was provided that the bank should not pay specie during the war, and for three years after its termination, for carrying on which it was to lend the Government the funds. In plain language, the Government was to borrow back its own credit for the bank, and pay to the institution six per cent. for its use. I had scarcely ever before seriously thought of banks or banking, but I clearly saw through the operation, and the danger to the Government and country, and, regardless of party ties or denunciations, I opposed and defeated it in the manner I explained at the extra session. I then subjected myself to the very charge which the Senator now makes, but time has done me justice, as it will in the present instance.

Passing the intervening instances, I come down to my administration of the War Department, where I acted on my own judgment and responsibility. It is known to all, that the department, at the time, was perfectly disorganized, with not much less than \$50,000,000 of outstanding and unsettled accounts, and the greatest confusion in every branch of service. Though without experience, I prepared, shortly after I went in, the bill for its organization, and on its passage I drew up the body of rules for carrying the act into execution; both of which remain substantially unchanged to this day. After reducing the outstanding accounts to a few millions, and introducing order and accountability in every branch of service, and bringing down the expenditure of the army from four to two and a half millions annually, without subtracting a single comfort from either officer or soldier, I left the Department in a condition that might well be compared to the best in any country. If I am deficient in the qualities which the Senator attributes to me, here in this mass of details and business it ought to be discovered. Will he look to this to make good his charge?

From the War Department I was transferred to the Chair which you now occupy. How I acquitted myself in the discharge of its duties, I leave it to the body to decide, without adding a word. The station, from its leisure, gave me a good opportunity to study the genius of the

prominent measure of the day, called then the American system, of which I profited. I soon perceived where its errors lay, and how it would operate. I clearly saw its desolating effects in one section, and corrupting influence in the other; and when I saw that it could not be arrested here, I fell back on my own State, and a blow was given to a system destined to destroy our institutions, if not overthrown, which brought it to the ground. This brings me down to the present times, and where passions and prejudices are yet too strong to make an appeal, with any prospect of a fair and impartial verdict. I then transfer this, and all my subsequent acts, including the present, to the tribunal of posterity, with a perfect confidence that nothing can be found, in what I have said or done, to impeach my integrity or understanding.

I have now, Senators, repelled the attacks on me. I have settled the account and cancelled the debt between me and my accuser. I have not sought this controversy, nor have I shunned it when forced on me. I have acted on the defensive, and if it is to continue, which rests with the Senator, I shall throughout continue so to act. I know too well the advantage of my position to surrender it. The Senator commenced the controversy, and it is but right that he should be responsible for the direction it shall hereafter take. Be his determination what it may, I stand prepared too meet him.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 14.

Civil List Bill.

The House, in Committee of the Whole, took up the bill making appropriations for the civil and diplomatic expenditures of the Government.

Mr. MORRIS, of Pennsylvania, said that, in consequence of being placed upon the Committee on the Expenditures of the Department of State, it became his duty to make some inquiries upon the subject appertaining to those expenditures. One portion of his inquiry related to the appropriations and contingent expenditures for a few years past, and he had received a statement embracing the amount from the year 1829 to 1837, inclusive, of the appropriations for incidental and contingent expenses of the Department of State and for payments. It is as follows:

Years.	Appropriations.	Payments.
1829 -	\$22,850	\$24,691 44
1830	27,100	21,040 99
1831	20,000 -	20,213 92
1832	25,000	31,542 39
1833	25,000	28,354 14
1834 -	31,500	29,582 13
1835	25,000	23,437 82
1836 -	25,000	23,665 78
1847	25,000	23,414 05
	\$226,450	\$225,942 66

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Making a difference in this length of time, in the aggregate, between the appropriations and the payments, of a little more than five hundred dollars. He understood that the amount of payments made in a year does not necessarily show the amount of the expenditures of that year, as there are accounts outstanding from year to year, and sometimes for several years, which, when paid, are included in the amount for the year in which the payment is made.

He had nothing further to add, but to submit his amendment to reduce the contingent expenses for missions abroad from thirty to twenty thousand dollars, which he did with a strong conviction of its propriety.

Mr. CAMBRELENG explained that he had made application to the department in relation to this appropriation, and has ascertained that there was a balance of only \$18,000 on hand on the 1st of January, 1838, and \$15,000 of that sum would be needed for the expenditure of the year 1837, not yet paid.

The amendment was disagreed to.

IN SENATE.

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Mr. BENTON said: Mr. President, I have opinions upon this subject—opinions not of recent adoption, or hasty formation. Their origin dates far back—a full quarter of a century; and they have been receiving confirmation ever since. I was in the public service during the late war—witnessed the failure of the State banks, and saw the calamities of a Government, and of a people, destitute of specie. The first Bank of the United States had expelled specie—it had done what Mr. Madison said it would do, in that masterly speech of 1791, which never has been, and never can be, answered. In that speech he placed at the head of the list of the disadvantages of such a bank, these prophetic words: "*First: Banishing the precious metals, by substituting another medium to perform their office.*" At the expiration of its charter, in 1811, it had completely effected this work. It had banished the precious metals. There was but ten millions of specie left in the country! Two great errors were then committed: *first*, in not replenishing the country with specie, and especially with gold; *secondly*, in falling back upon the paper of local banks for a national currency. In this condition, destitute of specie, and relying upon the notes of local banks, we went into the war. The result was inevitable—the explosion of our whole monetary system—the bankruptcy of the Treasury—the ruinous use of depreciated paper—a resort to Treasury notes, on which the creditor often lost 33½ per cent.—loans on oppressive terms—and the Government forced to make common cause with broken banks for the mutual support of each other's credit. All this I saw. I saw the calamities, the humiliation,

and the sufferings of the country; and I heard the loud and insolent triumph of the Federal party—that part of it which opposed the war—exulting over an empty Treasury, an impaired public credit, a depreciated paper currency, and the national degradation for want of solid money. I saw all this; and my head, and my heart, both told me that the country ought never to be subjected to such a fate again.

This was my war experience; and now for the experience of peace. After three years of war, peace came, and with it came revival of business, and a multitude of local banks, and at their head, that immense charlatan of the monetary system—a National Bank! Off went the whole together; specie payments resumed; confidence restored; the credit system in all its glory, and every branch of business distended to the bursting point. To judge of every thing by a single instance, it is sufficient to name the public lands, of which the amount of *twenty-eight* millions of dollars was sold in a single year! and nearly all on credit, payable in safe and solid specie-paying bank notes. In two years the whole of these banks, the charlatan among the rest, were swamped. Then we had a repetition of the scenes of seven years before. No specie; no notes equivalent to specie; no credit; no revenues; no price for property! Tender laws—property laws—replevin laws—stay laws, the order of the day! An entire stagnation of business followed, not fictitious, but real; and such was the fall in the price of all produce, all property, and the wages of all labor, owing to the failure of the banks, and the absence of specie, that all debtors were placed in the jaws of ruin, and most of them entirely ruined. There was no Treasury order then; no removal of deposits; no veto; no Jackson administration to ruin the country; yet the distress and suffering was actually then, what it is falsely said to be, and wickedly attempted to be made, at present. There is no comparison between the state of things then and now.

At this epoch, this second explosion of the paper system, I came into the Senate of the United States. I came here in the autumn of 1820. I travelled from the Mississippi to the Potomac amidst the crash of falling banks, the wrecks of a paper currency, and the lamentations of a suffering nation. I arrived here to see a Government without a dollar, and borrowing money to pay its daily expenses, which, the year before, boasted a revenue of forty-seven millions, and tormented itself with schemes to get rid of surpluses! I commenced my Senatorial career under these circumstances—circumstances to make me meditate, and to make me feel. Happily, my associations were with the fathers of the Republic—with Macon and Randolph, whose intimacy I enjoyed, and whose friendship I possessed. My reading was that of the early history of the Government—the Revolution, the Confederation, the formation of the Constitution of '89, and the workings

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of the machinery of the Federal Government under the administrations of the earlier Presidents—Washington, Adams, and Jefferson. The result of this association, and of this reading, was a thorough conviction, 1. That the Federal Constitution was formed by hard-money men, and was intended to be a hard-money Government; 2. That it had been converted into a paper-money Government, contrary to the genius and intention of the constitution; 3. That this departure from the constitution was the cause of the moneyed calamities during the war, and again at that time; 4. That the remedy for these calamities was to return to the plain meaning of the constitution, as expressed in the revenue act of 1789, and to confine the receipts and expenditures of the Federal Government to gold and silver coin only. These were my convictions; and as soon as circumstances were auspicious for action, I commenced a series of measures, all tending to carry back the fiscal action of the Government to the intention of the constitution; fully believing, that if the Federal Government would require gold and silver for its own Treasury, it would cause enough to be brought into the country, and to remain in the country, to supply the whole body of the people with hard money for all their common and ordinary dealings and transactions. It was not until General Jackson's administration that I was able to take any strong and direct measures towards the accomplishment of the great object which presented itself to my view. The sagacious Mr. Macon often said to me, that it was in vain to attempt any reform, unless the Administration is with you. The election of General Jackson gave such an administration. From that time there was a President, not only to favor, but to take the lead in the great business of restoring the constitutional currency, and my part became subordinate and easy. I had only to explain and defend the great measures which his sagacity and patriotism conceived and recommended.

It is not necessary to dwell on these measures, much less to enter now into any defence of them. A brief enumeration will suffice: 1. No more National Banks. They had been found to be the great exporters of specie; and their chartered right to pay the Federal revenues in their own notes, was in itself a clear breach of the constitution, and banished gold and silver from the Treasury, and, by diminishing the demand for it, expelled it from the country. 2. To restore the gold currency, by correcting the erroneous standard of gold. 3. The repeal of the act of 1819, rendering uncurrent, with a few exceptions, the gold and silver coins of all foreign countries. 4. The multiplication of the mints, both for the purpose of coining money in different parts of the Union, and for becoming places of deposit and safe-keeping of the public moneys. 5. The suppression of all local bank notes under twenty dollars. Having no direct power over the banks

of the States, the only mode of accomplishing this object was by the revenue regulations of the Federal Government, and by operating on public opinion in the different States. My own limit was one hundred dollars, but I did not attempt to establish it, because I knew that I could not succeed. My conviction is now clear that there ought to be no bank note under one hundred dollars.

Such were our measures for restoring the currency of the constitution to the coffers of the Federal Treasury, and supplying the country with gold and silver for all the common and ordinary transactions and dealings. The success, notwithstanding a powerful combined political and moneyed opposition, was astonishingly great. The recharter of a National Bank sunk under the veto, sustained by public opinion. The act for the correction of the gold standard hit the point of correction with such perfect accuracy, that the two coins, gold and silver, issuing from our mint, have precisely the same value in the money market. Under the auspicious operation of that act, our gold coin has risen, in little more than three years, from nothing to fifteen millions, and will probably rise to twenty-five millions before the termination of Mr. Van Buren's present term. The act for repealing the act of 1819, and for restoring foreign coins to circulation, has sent Mexican dollars into every part of the Union, and has enabled other foreign coins, both gold and silver, to make some progress in penetrating our country. Silver has increased three-fold since 1832, and silver and gold together, four-fold. Our specie was twenty millions then; it is eighty now, with the prospect of exceeding a hundred millions before the present term of Mr. Van Buren is out. Our currency in existence is more abundant and more solid than it ever was before; but the specie part of it is suppressed by the power and policy of the Bank of the United States, combined with the politicians and that part of the banks which follow its lead. Acts of Congress had passed to operate upon small notes, and to exclude those under twenty dollars from revenue payments altogether, and to exclude all others which were not convertible into gold and silver "*upon the spot*," at the will of the holder, and without loss or delay to him. Public opinion had been awakened on the subject of small notes; and the Republicans everywhere were moving towards the suppression of all under twenty dollars. Such was the progress, and such the success, of our measures in May last, when eight hundred banks stopped payment at once, shut down close upon all the specie in their vaults, denying a ninepence, a picayune, a five-cent piece, even, to the Government whose thirty millions of deposits they held, or to the community who held a hundred and twenty millions of their notes! In the midst of profound peace, general prosperity, under a Government without taxes and without a public debt, with four times as much specie as was in

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it five years before, came this crash of the banks. It came like a clap of thunder in a cloudless sky. In one moment, as it were, a Government, with thirty millions of revenue on hand, was left without a shilling: in one moment, a nation of fifteen millions of souls was deprived of ninetences for the market or the post-office. As if to proclaim their design to banish all specie from the land, a simultaneous and universal deluge of small notes and shin-plasters was poured upon the people; and the significant cry was set up, that specie payments could never be restored until a National Bank was established. This cry explained the main cause of the general stoppage, and the sole cause of the shin-plaster and small note issue.

All this took place in May 1837. It was a repetition, without the excuse of war, of the bank explosions of the war in 1814; it was the second explosion of the banks since the war, and in profound peace. It was expected to astound, terrify, subdue, distress, and coerce the country into a submission to the re-establishment of the National Bank! a result that would have been inevitable, had it not been for the eighty millions of gold and silver which Jackson's administration brought into the country, and which has so well kept up the value of bank notes that those which are in good credit are now no more than one or two per cent. below par. This third explosion in twenty-five years—this second explosion in time of peace—this loss of national revenues, as if by enchantment—this disappearance of specie, as if touched by a magic wand—roused and electrified the continent. The public mind came at a bound to the conviction that the Federal Government ought to be disconnected from the banks, and from their paper currency. The conviction was general, almost unanimous, among the Republicans; a few only among them were for trying the local banks and their paper once more, as if three failures in twenty-five years were not sufficient; as if another failure was not inevitable, and as if another failure must not end in the restoration of a National Bank, with the restoration of the political party, with all their principles and measures, who go with that bank. The Federal party, of course, with some honorable exceptions, oppose the disconnection. They oppose whatever the Republicans propose, no matter what. They were opposed to the junction of the Government with the State banks three years ago, when those banks were doing well; they were for compelling the Government to stick to them now that they have done ill. This is the state of parties: the Republicans almost universally for the divorce of Bank and State; the Federalists almost universally for the conjunction of Bank and State. In this division and subdivision, I find myself with the mass of my own party, and with the Administration itself. I find *them* now where I was many years ago. I believe them to be right, and shall stand by them, and abide their fate. If they sink in this contest with the

banks and the Federalists, I shall go down with them.

I stand upon the two principles of the bill—1. The United States to use the money of the constitution in the receipts and disbursements of the Federal Treasury; 2. The United States to receive their own money, to keep their own money, and pay out their own money. I stand upon these two principles; I cannot surrender them; though I consent to take them one at a time. The details of the bill are open to compromise. There I am ready to give and to take—to surrender and concede—to do every thing, consistent with the preservation of the principles, to conciliate the support, or to purchase the forbearance of friends. In some particulars I would prefer a change of details; I would prefer additional branch mints in place of the Receivers General—mints that would answer the double purpose of keeping the money of the Government, and coining money for the people.

The principles of the bill I hold to be founded in the clearest reasons of propriety, and constitutionality, and sustained by the fullest voice of trial and experience. Every Government should be, at all times, the master of its own property,—money and every thing else. A Government should not be put to the delays and contingencies of asking for its own, much less of suing for it, and above all, of having to sue where State laws may interpose to delay, or to defeat the recovery. The revenue of a Government is its daily support,—it is like the daily support of a family—it cannot be stopped or withheld, without affecting the existence of the Government itself. Every Government upon earth, our own excepted, puts its money where it can go and take it. All other Governments put their money where they can command it, where they can seize it, if necessary, and punish a delinquent holder. We do the same with all our property, except money. Our ships and forts, our military and naval stores, our public lands, and public edifices, are all in our own custody. We do not have to beg, or bring suits at law, to recover their possession. We keep them subject to our own order, because the existence, and the operations, of Government, which holds civil society together, and prevents mankind from relapsing into anarchy and violence, will not admit of interruptions and delays. If this is true of property, how much more true is it of money—that daily pabulum, without which Government cannot exist a day? This fundamental axiom, true of every Government, is pre-eminently so of ours. Our Government is complex—State and Federal—and each should have its own Independent Treasury. The present constitution grew out of the Independent Treasury question. Other causes helped on to the formation of the constitution; but a revenue of its own—a revenue independent of the States, and of course independent of corporations—was the exciting and controlling cause which led to its adoption. The whole history of the confederation, from

the close of the Revolution to the year 1789, proves this. Yet where is the Independent Treasury, where is the Federal Treasury, if corporations are to hold our money, may refuse to pay it when they please, and shall be backed by their State Legislatures when they refuse to pay? To commit our money to the custody of such corporations, is to forego the end for which the Federal Government was formed; to commit it to such corporations again, after the experience which we have had, and during the experience which we now have, is to repeat a folly for which we have been three times punished, and to exhibit a fatuity which announces a doom to destruction. Upon the clearest principles of reason, of constitutional obligation, and of experience, the Federal Government is bound to take into its own hands the keeping of its own money. This is one principle of the bill; the other is the use of hard money in the receipts and disbursements of the Federal Government. This principle is the ally of the other. They go together, and can hardly live separately. To receive the promissory notes of the banks, is to receive nothing but their promises to pay money. If they break that promise, the only resource is to take what they choose to give; that is to say, more broken promises to pay money, or to sue them; and, if suit is brought, State laws may interpose to protect the bank, and to compel the Government to take its pay in more broken promises to pay. Far better to take the promissory notes of the citizens. They would not refuse payment, as the banks have done; and if they did, the State Legislatures would not interpose to shield them.

The Federal Government ought to use the money of the Federal Constitution. Its duty to the constitution requires it to do so; its duty to the country equally requires it. By using that money, two great advantages would always result: 1. The Government would always have in its coffers real money; 2. The country would always possess an abundant supply of the precious metals. Certainly the Federal Government owes great duties to itself and to the country, in relation to the currency. It should not abdicate those duties, nor delegate them. It should not expel specie from the country by abandoning the use of it. The experience of forty years shows that a cessation of demand for specie, on the part of the Federal Government, banishes gold and silver from the country. This was the result, both under the first and second banks of the United States. On the other hand, the experience of five years shows that a demand for specie by the Federal Government attracts it to the country; that we have increased our supply from twenty to eighty millions in five years, under that demand; and that a continuation of the demand will continue the increase until the country is adequately and fully supplied. This is the way to regulate the currency. A hundred and twenty or thirty millions in gold and silver will regu-

late the banks and the exchanges; and that amount can be attained, and ought to be attained, in six or seven years, by a continuation of General Jackson's policy.

An adequate supply of specie for the country, is one of the highest duties of the Federal Government. By the constitution, it is made the conservator of specie; by abdicating its duties, it had banished from the land that which it was bound to preserve. The States delivered to this Government in 1789, an adequate currency of gold and silver. The first revenue law ever passed by Congress, enacted that the revenue should be paid "*in gold and silver coin only.*" There was then no complaint of scarcity. General Hamilton's order for evading that law, did not turn upon the ground of scarcity of the precious metals, but on the plea of convenience in handling bank paper, and upon the policy of increasing the quantity of bank circulation. There was no complaint of the inadequacy of specie until the first Bank of the United States had banished it from the country, as Mr. Madison and others predicted that it would do.

Large mercantile payments always have been, and forever will be, made in bits of paper, representing masses of property. He is a ninny, or believes others to be ninnies, who talks about merchants spending their time in counting piles of dollars, one by one. If masses of specie are to be paid, it is done in bulk, in kegs, or bags, or by weighing, or by a transfer of credit on the books of a bank. Bills of exchange, receipts, or certificates, representing masses of cotton, tobacco, rice, grain, flour, beef, pork, lead, cattle, &c., make the great payments. So far as large mercantile operations are concerned, specie is but an inferior part of the means of payments. With the body of the community, it is different. Specie is, or should be, the main part of their payments, and with every Government, it should be the sole instrument of payments. As to banks, it is in vain for them to expect to live upon confidence. Those that attempt it will share the fate of the Irishman's mare, which her master undertook to make live upon a straw a day. One-third in specie, for all its liabilities in circulation and deposits, is the rule of the Bank of England. With less than that proportion the bank holds herself to be unsafe; with that proportion in hand, she expects to make up the other two-thirds, if ran upon, out of the debts due her, her credit to borrow, and Government aid in exchequer bills. Scarcely a bank in the United States undertakes to come up to the Bank of England standard of safety. The Legislature of Louisiana is the only one that I have seen attempting to establish that standard.

There is a concerted attempt at this time in the United States to decry specie; to ridicule it, to vilify it, to suppress it, and to banish it. Gold, especially, is the object of the vilification of this party—that gold which stands first named in the Constitution of the United States,

and which, from the earliest records of the human race, has been the chosen money of the world. I do not envy that party their assiduous labors in the defamation of the precious metals. I do not fear the success of their exertions. I do not fear even that they will ever succeed in making themselves turn their backs upon the smallest piece of gold or silver which is offered for their acceptance. The necessity of an adequate supply of the precious metals is known and felt by the whole human race. It is the only money which it is safe for the body of the people to handle. It is the main basis for the operations of a bank; and it is the only standard or measure of values. One of the highest functions of money is to measure values. That is a function which paper cannot perform. The measure of values must itself possess intrinsic value, and must itself be free from sudden or material variations of value. It must have a uniform and a universal value. As well might you attempt to make a measure of lengths out of that which has no length, a measure of weights out of that which has no weight, a measure of quantities out of that which has no capacity to hold any quantity, as to endeavor to make a measure of values out of that which has no intrinsic value. The precious metals alone can constitute a measure of values; paper money can measure the value of nothing, not even of itself; its own value is eternally measured by its relation—by its convertibility—into specie. Its want of intrinsic value, its liability to be made in any quantity, or to be diminished in any quantity, and its liability to total destruction, entirely disqualifies it for the high function of a measure of values.

The Constitution of the United States has vested Congress with authority to prescribe a uniform standard of weights and measures for the whole Union. Congress has not exercised that power; but the common feeling of the people has supplied the defect of Federal legislation. In all parts of the Union, they use the same weights and measures. A pound is a pound, a bushel is a bushel, a yard is a yard, from one end of the country to the other. The constitution has also vested Congress with authority to regulate the value—not of *currency*, for there is no such word in the constitution, nor any word which can be made to include *paper currency*—but to regulate the value of the coin of our own mint, and also of foreign coin. This power for forty-five years, that is to say, from 1789 to 1834, was so erroneously exercised as to undervalue gold six and two-thirds per cent. The consequence was the total exclusion of gold from our circulation. In 1834 this error was corrected; and the consequence is, that gold is in the full process of restoration to its constitutional place in our currency. With respect to foreign coins, instead of making them current, as the constitution intended, they were nearly all excluded from circulation by the act of 1819. This false legislation was also corrected in 1834; and for-

eign coins now enter largely into our circulation. The year 1834—the second year of General Jackson's second Presidential term—will be an era, a proud and glorious era, in the history of our constitutional currency. It will be the era of the reformation of the metallic currency. The year 1836, the last year of General Jackson's second term, will be another glorious epoch in our financial history. It was in that year that the promissory notes of a corporation ceased to be a lawful tender to the United States in discharge of all taxes, debts, and duties due to her. The year 1836 is the epoch of this deliverance of the Federal Treasury from the dominion of a corporation; but that year 1832 divides the honor with it; for in that year was the blow struck—the heroic veto applied—which effected the deliverance. Three noble acts have been performed; but a fourth remains to be achieved to consummate the duties of the Federal Government in relation to the currency. The error of Mr. Madison's administration, at the expiration of the existence of the first Bank of the United States, must not be repeated. The notes of the local banks must not be made a national currency! That error ruined the country in 1814 and in 1819, and the repetition of it again ruined it in 1837. Three times, in twenty-five years, has that error deprived the Treasury of its revenues, the country of a measure of values, and rendered nugatory the uniformity of weights and measures, in which the whole Union had agreed. The effect upon the community has been the same as if every seller had possessed the privilege, and had exercised it, of altering his weights and measures at his pleasure; lengthening or shortening his yard-stick; enlarging or reducing his bushel; diminishing or increasing his pound-weight with every sale, and precisely as it suited his own interests in every instance. This is an enormous and a crying evil, the parent of unnumbered impositions upon the whole community; and especially upon the weaker part. In paying double for the necessities of life, the effect has been precisely the same as if the purchaser had received but half a pound, half a yard, and half a bushel, when he paid for a full pound, a full yard, and a full bushel. But, sir, I drop this disquisition. The pursuit of it would carry me too far, at the present moment, into the workings of the paper system. I drop it with remarking, that the arbitrary debasement of the current coin, formerly practised by some European Kings, and latterly by some Turkish Sultans, was innocent and harmless, compared to the mischief done in our own country by the loss of a measure of values, and the consequent, or equivalent, destruction of all the measures of quantities. The thoughtless and inconsiderate man, invested with no legislative character, may say, that paper money is lighter than gold and silver; that paper will buy any thing that gold and silver will buy; that he does not care what his money is made of, provided it will pay his

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Death of the Hon. Timothy Jarvis Carter.

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debts. The unreflecting man may talk in this way ; but the statesman must look at money in its exalted character of a measure of values ; and if that measure is lost or destroyed by his management, he commits a great error, and inflicts a great injury upon the entire community. We have lost that measure. The Federal Government has occasioned its loss. The use of paper at the Federal Treasury has banished coin—has set an example which has been followed by all the States, and by every individual—until paper has banished coin, and made itself a forced tender in every payment. Paper money is now the actual currency of the land. It is the medium of all payments ; and, being no measure of values, there is no stability of prices. Every thing fluctuates. Trade is subjected to the hazards of gambling. The remedy for this evil—the means for the re-establishment of the measure of values—is for the Federal Government to use the true measure itself. In supplying itself with the true measure, it will cause the whole country to be supplied. No nation can saturate itself with gold and silver more easily than the United States. The hundred millions of exportable products, annually sent abroad—to say nothing of domestic mines and the supplies brought in by emigrants—will bring back an annual supply of 12 or 15 millions. We have but to invite its presence, by creating a demand for it, and 8 or 10 millions of this amount will annually remain with us until the national supply is full and complete.

HOUSE OF REPRESENTATIVES

THURSDAY, March 15.

Death of the Hon. Timothy Jarvis Carter.

Mr. EVANS, of Maine, addressed the Chair :

Mr. SPEAKER : These badges of mourning which we still wear, denote that Death has lately been in the midst of us. Again his arrow has flown ; and again has the fatal shaft been sent, with unerring aim, into a small, and already broken, rank. It is my melancholy office to announce that, since the last adjournment of the House of Representatives, TIMOTHY JARVIS CARTER, then one of its members, from the State of Maine, has surrendered up to the Being who gave it a life upon which many anxious hopes depended, and for whose preservation many an ardent prayer had gone up to the Father of all spirits. He died last evening, at ten o'clock, at his lodgings in this city, after a sickness of not very protracted duration, but of great and excruciating intensity of suffering and agony. The ways of a righteous Providence are inscrutable, and while we bow in submission, we are yet oppressed with deep and solemn awe.

Our deceased friend and colleague was a native of the State and the district which, so lately, he represented in this branch of Congress ; and he, therefore, brought with him the confi-

dence, largely bestowed, of those who had known him from his earliest years. Well did he deserve it. His character for probity, integrity, uprightness, morality, was free from spot or blemish. His principles were well founded. Loving the country of his birth, and its institutions, with all his heart, he pursued with fidelity such measures as his judgment deemed best calculated to promote the welfare of the one and the durability of the other. He was a lawyer by profession—faithful, just, discriminating, attentive, humane, in its practice.

Of manners mild, courteous, affable ; and a temper kind, conciliating, patient, he won respect and attachment, even from those who differed with him in matters of opinion ; and probably there lives not a human being who has a single resentment, or one unkind recollection, to bury in his grave. He has gone, in the strength of his manhood, and the maturity of his intellect, the road that all must once pass :

“—calcanda, semel, via lethi.”

The ties that bound him to life are severed forever, as all human ties must be severed.

“*Linquenda tellus, et domus, et amans
Uxor ; neque harum, quas solis, arborum
Te, præter invisas cupressos
Ulla, brevem dominum sequetur.*”

Although, when his eyes opened for the last time upon the earth and the sky, they fell not upon his own native hills ; though the sod which shall cover him will not freshen in the same influences which clothe them in verdure and beauty ; though he died far from his home, the companions and the brothers of his childhood were with him—the sharer of his joys, the solace of his griefs, stood by him ; and the hand which could best do it assuaged the bitter pains of parting life. The last earthly sounds which fell upon his ear were tones of sympathy, and kindness, and affection, and support—tones which ceased not, even when they vainly strove to pierce the cold and leaden ear of death. Tears shall flow copiously, and deep sighs be heaved over his lifeless form ; tears not more scalding, sighs not deeper drawn, because not mingled with any bitter recollections—any unavailing regrets.

If human means could have availed—if devoted fraternal sympathy and care—if constant, abiding, self-sacrificing affection, triumphing over exhausted nature, and bearing up a feeble frame, unconscious of weariness, through long and painful vigils, could have saved his life, he would long have been spared to the friends who now deplore his death, and to the State and to the country which he served. To that stricken bosom we proffer—alas ! how little will it avail !—our sincere sympathy and condolence. He has gone from this place of earthly honors and human distinctions, to a seat in that “house which is not made with hands, eternal in the Heavens.”

As a token of our respect for his many virtues, and of our respect for his memory, I move

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the adoption of the resolutions which I now submit:

Resolved, That the members of this House will attend the funeral of TIMOTHY J. CARTER, deceased, late a member of this House from the State of Maine, at 12 o'clock on Saturday.

Resolved, That a committee be appointed to take order for superintending the funeral of TIMOTHY J. CARTER, deceased.

Resolved, That the members and officers of this House will testify their respect for the memory of TIMOTHY J. CARTER, by wearing crape on the left arm for thirty days.

The resolutions were unanimously agreed to; and then the House adjourned till Saturday.

IN SENATE.

THURSDAY, March 15.

Death of the Hon. T. J. Carter.

MR. RUGGLES addressed the Senate as follows:

MR. PRESIDENT: The message from the House of Representatives, just read, communicating the melancholy intelligence of the death of the Hon. TIMOTHY J. CARTER, a Representative from the State of Maine, imposes on me the duty, which I cannot perform without the deepest emotion, of moving the customary resolutions of respect for the memory of the deceased. He died last evening at the hour of ten, at his lodgings in this city, after much severe but patient suffering—at peace with all, at variance with none.

I know that occasions of this kind have usually been improved to pronounce eulogies on the characters of deceased members; but the painful emotions which have been awakened by the last sad adieu of an esteemed friend and colleague, but poorly qualifies me to speak at this time, and in this place, of his manly virtues, his purity of heart, the engaging mildness of his disposition, the unusual excellence of the character he maintained in all his domestic and social relations. It is but to say, what all who knew him as I have known him would say, that his whole life afforded constant exemplification of the strictest moral rectitude, in the upright, faithful, conscientious performance of every duty connected with his station in society.

Though yet scarcely past the morning of life, he had received many gratifying proofs of the estimation in which his talents and probity were held by the people and the councils of his State.

As a representative, he has been devotedly faithful to his trust, and fully justified the confidence reposed in his virtue and patriotism. He sought not high political distinction. He was unambitious of renown, but guided his footsteps by that calm and steady light which shines all along the pathway of duty and usefulness.

He inherited his virtue from a highly respect-

able parentage, and has left a wide circle of attached relatives and friends to mourn his exit; three of whom, under the ready impulses of fraternal affection, obeyed the earliest summons to his sick bed. Alas! it was but to witness, with poignant grief, the closing scene in the brief drama of human existence.

He was a husband and a father; but how can I presume here to speak of the agonized feelings of her, who, whilst she caught his latest sigh, felt that, as in life, so almost in death, his destinies were her own!

With the deceased, life's fleeting shadow has passed by, and eternity has opened its broad portals. Nothing now remains but the tears of relatives, the regrets and sympathies of friends, and the moral influence of his example for all.

The usual resolutions were then adopted, that the Senate would attend the funeral of the late MR. CARTER, and go into mourning, by wearing crape on the left arm for thirty days.

The Senate adjourned over to Saturday next.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 17.

General GEORGE M. KEIM, a member elected from the State of Pennsylvania, to supply the vacancy occasioned by the resignation of Mr. MUHLENBERG, took his seat.

IN SENATE.

WEDNESDAY, March 21.

Independent Treasury.

The Senate resumed the consideration of the Independent Treasury bill, when Mr. SOUTHARD resumed his argument, in opposition to the bill.

The question was then taken on Mr. RIVES's amendment:

YEAS.—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—20.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—29.

MR. PRESTON, after the result of the vote was announced, came into the Senate Chamber, and asked permission to record his vote in favor of the substitute.

The VICE PRESIDENT said, if there was no objection made, he would direct the Secretary to record the name.

MR. BENTON objected. He had been there eighteen years, and had uniformly opposed every motion of that kind. He thought it established a bad precedent to permit Senators

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[APRIL, 1838.]

to record their names after the vote had been taken, and the result made known.

Mr. GRUNDY wished the Senator would forego his objections, and instanced a case during the present session, where he had his name recorded by one of the reporters as voting against a measure, when, in fact, he had not voted at all. On the next morning he stated the matter to the Senate, and asked permission to have his name recorded in the affirmative, which was granted.

Mr. KING was desirous that courtesy should be extended to the Senator, and that he be permitted to record his vote; and the course was the less objectionable, as the result could not be varied by granting the permission.

Mr. BENTON was inflexible; he had (as he before observed) for the last eighteen years, pursued the same policy, and could not consent to yield the point now. He would so far yield, however, as to move to reconsider the vote, by which means the same object could be more safely attained.

On Mr. BENTON's motion, the reconsideration of the vote on Mr. RIVES's amendment was ordered; and the question was again taken on Mr. RIVES's substitute, and it was rejected—

YEAS.—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Rives, Robbins, Ruggles, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—22.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—30.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 27.

The Independent Treasury.

The bill from the Senate, entitled "An act to impose additional duties as depositaries upon certain public officers, to appoint receivers general of public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States," having been read twice by its title—

Mr. CAMBRELENG moved its reference to the Committee of Ways and Means.

A debate took place on this motion, in the course of which Mr. PATTON moved to lay the bill on the table.

The vote resulted in—yeas 106, nays 98, (38 members being absent, the House, with the Speaker, consisting of 242,) as follows:

YEAS.—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Ayer, Bell, Biddle, Bond, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, Rice Garland, Goode, James Graham, William Gra-

ham, Graves, Gray, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Henry Johnson, W. Cost Johnson, Kilgore, Lawler, Lincoln, Lyon, Mallory, Marvin, S. Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Patton, Peck, Phillips, Pope, Rariden, Randolph, Reed, Ridgway, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Smith, Southgate, Stanly, Stenart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, Wise, and Yorke—106.

NAYS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Bynum, Cambreleng, John Campbell, Casey, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Dawson, DeGraff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Foster, Gallup, Glascock, Grantland, Grant, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Howard, Hubley, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, Geo. N. Keim, Kemble, Legare, Leadbetter, Lewis, Logan, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Palmer, Parker, Paynter, Pennybacker, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Rhett, Richardson, Rives, Robertson, Sheffer, Toucey, Turney, Vail, Shepler, Snyder, Spencer, Taylor, Thomas, Titus, Vanderveer, Wagener, Webster, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—98.

So the Senate bill was laid on the table.

MONDAY, April 2.

Decease of the Hon. Isaac McKim.

Mr. HOWARD addressed the House as follows:

Mr. SPEAKER: I rise to perform a duty, the painful extent of which I did not fully appreciate until the present moment. It is from the effort required to control the feelings which are struggling for the mastery, that I am made sensible of the difficulty of the task. Sir, my friend and colleague, who lightened the toils and shared the responsibilities of our joint representation, is no more. After a brief but severe illness, ISAAO MCKIM expired yesterday morning, meeting his fate with exemplary resignation and composure. Conscious of his approaching end for many days previous to its occurrence, he looked steadily at death as he drew near, step by step, with that unflinching courage which a quiet conscience only can give. Feeling and knowing, as I now feel and know, that he had tried to do his duty, he looked forward without alarm, because he looked backward without self-reproach. His course through life had been the same as his conduct in this House, where, I am sure, he has not left an unkind feeling in the breast of a single member. Engaged in the active pursuits of commerce from an unusually early period of

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life, he was one, and perhaps the last, of that enterprising class of merchants, whose hazardous, but successful industry, some thirty years ago, built up, at the same time, their own fortunes and the prosperity of the city which we partly represented upon this floor; but the liberality with which he dispensed his gains around him, was equal to the sagacity which he manifested in their acquisition. Two public schools, one founded by his father and the other by himself, have long made his name blessed by the destitute widow, to whose children the rich gift of education was thus benevolently and wisely imparted. The two hundred orphan boys who have habitually attended the school of ISAAC MCKIM, may perhaps be unconscious of the loss which they have sustained, but the tears of their widowed mothers, shed in secret sorrow, will attest their mingled gratitude and regret. Sir, to rescue from the temptations and dangers of idleness and ignorance, any portion of the youth of our country, is to effect a work in which patriotism and philanthropy eminently unite. But it was not in this instance alone that the kindheartedness of my deceased friend was manifested. I cannot call to mind a single individual in our extensive population whose loss will be more felt or deplored. He has passed through life with such an unstained character, that all men of integrity knew him to be their proper associate. Mild and courteous in his deportment towards others, he followed, as a guide in his own conduct, that sincerity and honesty of purpose, upon which his friends never counted in vain.

Next to his family, Mr. Speaker, his loss falls most heavily upon myself. Elected by the same constituency, we have been, for some years, in the habit of the most unreserved communication with each other upon every topic relating to our public duties, and upon his strong sagacity I have been accustomed greatly to rely. His untiring attention to business has long been conspicuous in this House. No care, no time, no labor seemed to him too great to be devoted to the public service. In this House, amongst his constituents, in his State, and by his country, his absence will be felt. It only remains for us to pay such respect to his memory as is due to it, and, for that purpose, I offer the following resolutions:

Resolved unanimously, That the members and officers of this House will attend the funeral of ISAAC MCKIM, deceased, late a member of this House, from the State of Maryland, at 11 o'clock to-morrow.

Resolved unanimously, That a committee be appointed to take order for superintending the funeral of ISAAC MCKIM, deceased.

Resolved unanimously, That the members and officers of this House will testify their respect for the memory of ISAAC MCKIM, by wearing crape on the left arm for thirty days.

Resolved unanimously, That when the House adjourn to-day, it will adjourn to meet again on Wednesday next.

The resolutions were unanimously adopted. The House then adjourned.

IN SENATE.

MONDAY, April 2.

Death of the Hon. Isaac McKim.

A message was received from the House of Representatives, announcing the death of the Hon. ISAAC MCKIM, a member of that House from the State of Maryland, and that his funeral would take place from their hall at 11 o'clock to-morrow.

Mr. GRUNDY addressed the Senate:

Mr. PRESIDENT: In the absence of both the Senators from Maryland, I have been requested by the delegation in the other House from that State to move a concurrence with the resolutions of the House of Representatives, in honor of the memory of the deceased.

A few days since he was amongst us, in all the vigor of health. Within a few hours only before his death, he was actually engaged in the faithful discharge of the arduous duties assigned him by his country. He is now gone; and those who esteemed him and loved him, will see him no more.

Mr. MCKIM was emphatically the author of his own fortunes. He commenced life in very moderate circumstances, without the patronage of influential friends. His industry and energy, under the guidance of a clear and discriminating intellect, enabled him to amass a fortune, not only ample, but magnificent.

He not only knew how to acquire property, but he knew how to use it. The accumulation of wealth in him did not beget the passion of avarice. Go to the city of his residence, and the inhabitants can point out innumerable instances of his noble charities, and monuments of his munificence and liberality.

He had reached a good old age. He had been honored by his fellow-citizens with a seat in the Senate of his State, and he had often been elected to fill the station he lately occupied. We, his associates, knew that, although he was unassuming and unpretending, he brought into our councils a stock of useful and practical knowledge possessed by few men.

The reflection that he lived worthily, and died probably without a single enemy, will comfort, and in some degree alleviate the sorrows, of her who was the partner of his bosom and sharer of his joys and griefs, and those relatives and friends who now deplore his loss.

Mr. GRUNDY then submitted the following resolution, which was adopted unanimously:

Resolved unanimously, That the Senate will attend the funeral of the Hon. ISAAC MCKIM, late a member of the House of Representatives from Maryland, at 11 o'clock to-morrow, and, as a testimony of respect for the deceased, they will go into mourning, by wearing crape on the left arm for thirty days.

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Duelling in the District of Columbia.

[APRIL, 1838.]

THURSDAY, April 5.

Anti-Duelling Bill.

The Senate resumed the consideration of the bill to prohibit the giving or accepting a challenge, &c.

FRIDAY, April 6.

Duelling in the District of Columbia.

The Senate resumed the consideration of the bill to prohibit the giving or accepting a challenge to fight a duel in the District of Columbia, and for the punishment thereof. The question being on the amendment of Mr. CLAYTON to the amendment of the Committee on the Judiciary, punishing the offence by fine not exceeding \$2,000, and by imprisonment in the common jail for a term not less than two years.

Mr. LINN observed, that when he yesterday proposed passing the bill over, it was that he might have an opportunity of consulting with the gentleman who introduced the bill, and the Senator from Delaware, who offered the amendment, as to the propriety of introducing some provisions which would enable the prosecutor under this act to obtain witnesses. He was of opinion that no punishment should be inflicted on the seconds and surgeons, and by this means witnesses might be procured. What would be considered as a challenge would be a question for the jury to settle, as it would be impossible to define it in the act. Gentlemen who intended to fight might evade the law in the easiest way in the world. They might send an invitation to take tea at some given spot, or make an appointment for any trivial and fictitious purpose, taking care that the true one should be understood. He thought it would be the most difficult thing in the world to get testimony.

Mr. CLAYTON said they could get rid of the difficulty by providing that the seconds, or any other persons aiding or assisting in the challenge, shall be competent witnesses, exempting them in such case from punishment.

Mr. HUBBARD expressed the hope that they would at once proceed to take the question on the amendment of the Senator from Delaware. If he understood the amendment, it was to make the offence punishable by fine and imprisonment in the common jail, which he opposed at some length, on the ground that it was too lenient, and behind the legislation of all the States who had noticed the subject at all. The State of Delaware, he said, from which the gentleman who proposed this amendment came, and all the New England States, together with several others, had made this offence felony, and punished it by imprisonment in the penitentiary.

Mr. LINN drew his conclusions directly different from the Senator from New Hampshire. If the gentleman would show him a case in any of the States where a man concerned in a duel had been pronounced a murderer, or sent to the

penitentiary, then his remarks would apply. As he remarked the other day, he wanted to see a law passed that would produce some practical effects, not such a law that a jury could not be found to carry into execution. He had seen the effects of such laws in his own State. There the punishment for fighting a duel, where death ensued, was death, and yet men fought duels as if no law existed at all. But they had now a law in his State which was more effectual for the prevention of duelling than any law that had ever been passed. In cases as assault, all abusive words and defamatory language went to the jury in mitigation of the offence—

Mr. BENTON. As a justification.

Mr. LINN. Yes, sir, as a justification; and if that abusive member, the tongue, was permitted to have too free a license, the same license was permitted to the injured individual to redress his grievance. He thought if the same law was applied to the Senate of the United States, there would be a little more decorum than he had sometimes witnessed.

Mr. HUBBARD thought their legislation should be governed by the wisdom and propriety of the measure, leaving the execution of the laws to those who had them in charge.

Mr. SMITH, of Indiana, concurred entirely with the chairman of the Committee on the Judiciary (Mr. GRUNDY) in the impropriety of dragging into the debate the recent unfortunate affair between members of the other branch of Congress; and he regretted that a single Senator had thought proper to recur in debate to that lamentable conflict. If you examine particular cases, this debate cannot be confined to the recent one: it will extend to many other similar ones that have occurred at different periods of our national existence. The time of the Senate will be occupied in worse than a mere unprofitable debate.

The recent unfortunate affair, he regretted to see, had been seized upon to feed the flames of party. It had been placed on party grounds, as if one party were duellists, and the other not. This was an unjust and unwise ground on which to place that or any other similar occurrence. On this subject there were two parties, but they were not the political parties that divide the people of this nation. He was bound, in truth, to admit the fact, however much he might feel disposed to throw the mantle of oblivion over that part of the past history of the country, that neither of the great political parties can say, we are all exempt from all participation in that mode of deciding personal difficulties, and yet all parties speaking were opposed to this barbarous custom.

The Senate had been told that it was useless to legislate; that public opinion would not carry out their enactments; that the law would remain a dead letter on the statute books; that the freedom of debate would degenerate into licentious personal abuse; that it was necessary to hold *in terrorem* over members of Congress

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this code of honor, as it was termed, to restrain them in the exercise of their duties here; that the common law, that punishes the homicide with death, is sufficient for the protection of society; these, so far as he had heard, were the principal objections to the proposed measure; and, while he admitted that they had been urged with much zeal, he could not yield to the correctness of the principles nor to the reasons by which they had been sustained. The position had been assumed, and maintained with much force, that public opinion would not bear Congress out in this measure. He believed that the truth was directly the reverse. Public opinion was, at that moment, at the doors of the Capitol, in a voice of thunder requesting, nay, more, demanding of Congress to arrest this bloody code, to stay this desolating and inhuman custom.

The bill does not contemplate interfering with the common law offence, or the common law punishment. It meets the offender at the threshold, and says to him, stop in your mad, in your unlawful, your unholy career. You are treading on ground covered with ignominy and penalties. You must surrender your code of honor, and submit to the laws of that society under which you enjoy all the blessings that surround you. Take not vengeance into your own hands. You shall not assail the life of a fellow-being. Nor shall you wantonly put your own life at hazard. All the States had laws similar to the bill before the Senate. The people had demanded these laws. The District of Columbia alone remained unprotected. And shall this District be left the only spot in the nation in which this work of destruction, this waste of human life, this violation of the laws of God and man, shall be tolerated, and suffered to be carried on with impunity? It was already said that this was an asylum for all manner of wickedness and crime; that members of Congress, when here, were removed from those legal restraints under which they act in the States from which they came.

It has been contended that if we pass this law, the freedom of debate will degenerate into licentiousness and personal abuse; that if Senators and Representatives in Congress are not to be held personally responsible to the injured party for words spoken here of a personal character, the debates will become personal, vindictive, and insufferable. Mr. S. could not come to that conclusion. He thought the passage of the bill would have a salutary effect on the debates.

Mr. SEVIER said, that although he was no friend to duelling, yet he disliked this bill from one end of it to the other. He believed it was a bill wholly for the protection of members of Congress, who, not satisfied with the protection afforded them by the constitution, of exemption from arrest and from being sued for words used in debate, wanted the additional protection of this bill. A man is vilified and abused in one of the Houses of Congress, and

he, of course, will expect the offender to give him satisfaction in some way or other, and this bill says he shall not have it. What then will be the consequence? Why, something like the affair of Houston and Stansbury; the injured man will take the law into his own hands, chastise the traducer, and then he will be brought up to the bar of the House, from whence, after five or six weeks are unprofitably consumed in the examination, he will be dismissed with a reprimand. If the object was solely to suppress duelling, and not for the protection of the members, why not pass a law to prevent it in our other Territories as well as in the District of Columbia? Why not include Wisconsin and Florida, and our forts and arsenals? He thought this District was already sufficiently disfranchised, and he would not add any more to its disabilities. Members of Congress might talk of Tom, Dick, or Harry, as they pleased, and could not be sued for slander; and now they would take away from the injured individual the only remedy left him. I am opposed to passing laws for our own protection, because if you pass one, the same reasons will operate in passing another; and the next time Mr. Stansbury, or Mr. anybody-else, is whipped by Houston, every member of Congress must have a corporal's guard to protect him in passing from his boarding house to the Capitol. Now he would ask if the people of the United States would be willing to be taxed for any such purpose, for it would take at least three thousand men to furnish a corporal's guard to each member, and they must therefore have an additional army, or leave the frontiers exposed. He was satisfied that more importance was attached to this subject than it deserved, and he believed out of one thousand duels, nine out of every ten of them were fought for causes that could not be got over any other way. He knew that duels were frequently fought for trivial causes, but he was convinced that it was otherwise in a vast majority of cases. He held himself responsible for every thing he said on that floor, and he would not give a vote to take away that responsibility.

Mr. CLAYTON's amendment was lost—

YEAS.—Messrs. Clay of Alabama, Clayton, Fulton, Grundy, Linn, Nicholas, Norvell, Robinson, Strange, Trotter, Walker, and White—12.

NAYS.—Messrs. Allen, Davis, Hubbard, Lumpkin, Lyon, Merrick, Mouton, Niles, Pierce, Prentiss, Preston, Roane, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, Williams, and Wright—20.

Mr. NILES moved to amend the bill, by providing that the persons offending under this act shall be forever incapable of holding any office or appointment under the authority of the United States.

Mr. NORVELL thought they had carried the matter far enough. They subjected the man guilty of duelling to a punishment of not less than five, nor more than ten years' imprison-

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South Sea Exploring Expedition.

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ment in the penitentiary, and now the gentleman wanted to add disqualification from office. Was it likely that a man who shall be imprisoned in the penitentiary will ever be appointed to an office under the Government of the United States?

Mr. NILES spoke in defence of his amendment, contending that, as the punishment had been lessened by the amendment just passed, an additional penalty was necessary, and that the penalty he proposed would most probably be inflicted, even if the other was not. Mr. N. could not agree with his friend from Arkansas, (Mr. SEVIER,) that this bill was for the protection of members of Congress only. It had a much higher object in view—that of suppressing an odious and criminal practice, and of securing the perfect independence of the representatives of the people.

Mr. NILES's amendment was lost—

YEAS.—Messrs. Allen, Davis, Grundy, Hubbard, Lumpkin, Niles, Pierce, Prentiss, Smith of Connecticut, Swift, Trotter, Walker, Williams, and Wright—14.

NAYS.—Messrs. Clay of Alabama, Clay of Kentucky, Clayton, Fulton, Merrick, Mouton, Nicholas, Norvell, Preston, Roane, Robinson, Ruggles, Sevier, Smith of Indiana, Strange, Tipton, and White—17.

Mr. SMITH, of Indiana, offered an amendment, authorizing magistrates when they have sufficient reason to believe that a duel is about to be fought, to issue their warrants to bring the parties before them, when they are further authorized to compel them to give bond and security to keep the peace for one year, and in default thereof, to commit them to jail.

Mr. CLAYTON opposed this amendment, as contrary to one of the fundamental principles of law, and contrary also to the Constitution of the United States, which provides that no warrant shall issue but upon probable cause, supported by oath or affirmation.

The amendment was rejected.

Mr. WHITE moved to amend the bill by striking out all after the enacting clause, and inserting a substitute, providing that every person who shall hereafter be appointed to office shall, in addition to the usual qualification, take an oath that he has not, since the passage of this act, been directly or indirectly concerned in a duel.

Mr. PRENTISS asked for the yeas and nays on the question; which resulted—

YEAS.—Messrs. Benton, Clay of Alabama, Fulton, Linn, Nicholas, Norvell, Roane, Robinson, Ruggles, Sevier, Strange, Walker, and White—13.

NAYS.—Messrs. Allen, Clayton, Davis, Grundy, Hubbard, Lumpkin, Lyon, Merrick, Mouton, Niles, Pierce, Prentiss, Smith of Connecticut, Smith of Indiana, Swift, Trotter, Williams, Wright, and Young—19.

The question was taken on concurring with the third amendment; and it was lost—

YEAS.—Messrs. Davis, Grundy, Hubbard, Lumpkin, Merrick, Niles, Pierce, Prentiss, Smith of Con-

necticut, Smith of Indiana, Strange, Swift, Williams, Wright, and Young—15.

NAYS.—Messrs. Allen, Benton, Clay of Alabama, Clayton, Fulton, Linn, Mouton, Nicholas, Norvell, Roane, Robinson, Ruggles, Sevier, Trotter, Walker, and White—16.

The other amendments were concurred in; and the bill was ordered to be engrossed for a third reading.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 10.

South Sea Exploring Expedition.

The House then resumed the consideration of the "bill making appropriations for the naval service for 1838."

Mr. BRONSON entered into a defence of the late and present Administrations in relation to this subject, and, though he disclaimed being opposed to the Exploring Expedition, either the late projected one or another, he was in favor of having the bill recommitted, because he thought it proper that the estimates should be furnished, and the sum necessary for carrying it on made distinct and separate from the appropriations necessary for the general service of the Navy. This was due to the country, for there had been upwards of \$700,000 already expended, and the only result was that there was no longer an Exploring Squadron in existence, and the question was, should they order a new one to be fitted out? He thought not, especially in the present embarrassed condition of the Treasury, and he also doubted whether, in the present state of feeling towards the scheme, both throughout the country and in the navy, any of those great results anticipated by its friends would be produced.

He also doubted the propriety of the appointment of Lieutenant Wilkes, not from his want of skill or experience, but from his being a junior officer, the effect of which would increase the present dissatisfaction, and lead to dissensions.

Mr. WISE suggested to some one in favor of the expedition, for he would not move it himself, to move the insertion of a provision in the bill, as the House had determined upon the continuance of the expedition, limiting the time within which it shall sail. Fix any reasonable time, say three months, or six, or twelve, or two years, or even three; but in the name of sense, in the name of economy, he did hope the House would limit the period.

Mr. MALLORY then moved—

"Provided, That, in officering the exploring squadron, for which appropriations are herein made, the law of the 25th of February, 1799, be not violated in any of its provisions."

The amendment was rejected, and

The bill ordered to be read a third time tomorrow.

IN SENATE.

WEDNESDAY, April 11.

Relations with Mexico.

Mr. WALKER called the attention of the chairman of the Committee on Foreign Relations (Mr. BUCHANAN) to the state of our relations with Mexico. It would be recollected, he said, that this subject was recommended to the consideration of the Senate by a special Message from the President of the United States on the 7th of February, 1837.

This Message was referred to the Committee on Foreign Relations; and on the 18th February following, Mr. BUCHANAN, the chairman of that committee, reported the following resolution :

Resolved, That the Senate concur in opinion with the President of the United States, that another demand ought to be made for the redress of our grievances from the Mexican Government; the mode and manner of which, under the 34th article of the treaty, so far as it may be applicable, are properly confided to his discretion. They cannot doubt, from the justice of our claims, that this demand will result in speedy redress; but should they be disappointed in this reasonable expectation, a state of things will then have recurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation and the rights of our injured fellow-citizens.

On the 27th of February, 1837, this resolution was unanimously adopted by the Senate. Now we all know that this demand has been again made, and that it has been ineffectual; that new insults and injuries have been superadded by Mexico since this period; that her departing Minister had grossly insulted this Government and country, and his conduct had been approved by Mexico; that her Secretary of Foreign Affairs had recently published a report most insulting to our national honor; and to close the long list of Mexican outrages, her vessels of war had recently, in our own seas, fired upon an American steamboat, carrying the American flag, and prosecuting a lawful commerce with a neighboring and friendly power. This vessel had not only been fired upon and an attempt made to capture her, but the balls had been fired through the American flag, as if in derision of the idea that this flag constituted any protection against Mexican outrages. The flag of our country had ceased then to be any protection to the American citizen, in our own vessels, and upon our own seas, as indeed the name of an American had long ceased to protect our citizens within the limits of Mexico. Not only had it ceased to be any protection there, but it constituted an invitation to insult, imprisonment, and spoliation. More than a year had elapsed since the adoption of the resolution above referred to. No redress has been, it is clear, none will be, granted by Mexico; but every day's delay on our part only witnesses new outrages and new insults. Four months and upwards had now elapsed since the commencement of this session, and no

report had been made by the Committee on Foreign Relations, and no intimation given when, if ever, any report might be expected.

Mr. BUCHANAN (chairman of the Committee on Foreign Relations) said that he had no objections whatever to answer the interrogatory propounded by the Senator from Mississippi. The Senator had given day and date, and circumstance, and all connected with the resolution which the committee had reported at the last regular session of Congress on the subject of our claims against Mexico, evidently for the purpose of showing that our present apparent listlessness was inconsistent with our former energy. This was not the case. There was no indisposition on the part of the committee to make a report on this subject whenever it might be proper.

The committee had held a number of informal consultations on the subject, and had come to the conclusion that it was proper to await the action of the House of Representatives. The next step we take, said Mr. B., in regard to Mexico, must be some measure that may directly lead to war, or war itself; because he thought every honorable means of conciliation had been exhausted. Now, where ought such a measure to be introduced? We have, said he, examined the public archives, and find that from the origin of the Government to the present day, no such measure has originated in the Senate. Coercive measures had always originated with the immediate representatives of the people.

He had made it his business to inquire of the chairman of the Committee on Foreign Relations, of the House, and had been informed by that gentleman, that the committee had then the subject under their most serious consideration, and might be expected to come to some conclusion upon it within a few days. Under these circumstances, the committee of the Senate were of opinion that they ought, at the very least, to wait a reasonable time, for the purpose of affording the popular branch of the Legislature an opportunity of expressing their opinion.

Mr. CLAY, of Kentucky, felt it due to himself, as a member of the Committee on Foreign Relations, and due to the Senate and to the country, to say, that while there was strong ground of complaint against Mexico, if we looked to the correspondence that had taken place on this subject, we would find that on our part there was much cause for deep and serious regret. What were the facts in the case? A Mr. Greenhow, a clerk in one of the public offices, was despatched to Mexico with a large mass of documents, containing the claims of our citizens, which were to be examined and reported on within ten days, or Mr. Greenhow was to return. Now those at all acquainted with the manner of doing business in the public offices, must know that it would have been impossible to have carefully examined them in so many weeks. The Minister for Foreign Affairs of Mexico proceeded to take up these docu-

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Public Lands.

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ments, and examine them one by one, admitting the justice of some, and rejecting others; and while these matters were still in progress, suddenly the whole subject is thrown upon Congress, the President telling that body he had no further negotiations to make with Mexico.

Whenever a clear case was made out, he (Mr. C.) was ready to enforce on Mexico what was due to law and justice. While he would go thus far, he could not help saying, and all who looked to the correspondence must admit the truth, that the want of dignity and the want of temper that had been manifested by persons connected with the Government in relation to this whole matter, was greatly to be deplored.

Mr. BUCHANAN said that our complaints against Mexico were of a twofold character. The Government of that country had not only refused to pay the just claims of our injured citizens, but, in several instances, had assailed our national honor and insulted our national flag. For assaults and injuries of this description, pecuniary redress had never been demanded, and could never be accepted. No suitable explanation of these insults had ever been given, and no satisfaction had ever been rendered, although often demanded. The remarks of the Senator from Kentucky had not touched this part of the case. A gross insult had recently been offered to the American flag, of a character requiring the most prompt and effectual redress, if we were to credit the statements published in the New Orleans papers which had lately reached this city. It appeared that a steamboat, under the American flag, pursuing her lawful commerce in our own seas, had been repeatedly fired upon and brought to by two Mexican vessels of war.

Mr. WALKER gave notice that, if no report were made, in regard to our relations with Mexico, within a short period, either in the Senate or the House of Representatives, he would move a resolution to test the sense of the Senate upon this subject.

THURSDAY, April 12.

Graduation of the Price of the Public Lands.

The Senate resumed the consideration of the bill to provide for the graduation and reduction of the price of the public lands.

Mr. HUBBARD moved to strike out the following: And all lands which shall have been so offered for fifteen years, shall be subject to entry at one dollar per acre for the space of twelve months; and after that time, the same shall be subject to entry at seventy-five cents per acre, for the space of twelve months, and after that time the same shall be subject to entry at fifty cents per acre. The effect of which is to leave the minimum at one dollar per acre for the space of one year for lands which shall have been in the market ten years prior to the 30th September, 1838; and after that time the minimum is to be 75 cents per acre.

Mr. TIPTON hoped the amendment would not prevail. If it did, he should care very little about the bill, as the State in which he lived was interested in the provision proposed to be stricken out more than any other.

Mr. HUBBARD suggested to the Senator from Indiana, that the provision which he wished to have stricken out, would have no operative effect for two years.

Mr. HUBBARD's motion was agreed to.

The question recurring on the engrossment of the bill, Messrs. WALKER and BENTON severally addressed the Senate in its favor.

Mr. TIPTON offered an amendment, providing that no person shall enter more than one quarter section of land under the provisions of this bill.

Mr. WALKER moved to amend the amendment, by striking out "one quarter section," and inserting "one section;" by inserting as follows:

Provided also, That no one shall be prohibited from entering any quantity, as heretofore, of lands embraced in this act, at the price of one dollar and a quarter per acre."

The amendment as amended, was decided in the affirmative—yeas 23, nays 14.

The bill was ordered to be engrossed for a third reading—

YEAS.—Messrs. Allen, Benton, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Robinson, Sevier, Smith of Indiana, Tipton, Trotter, Walker, White, and Young—21.

NAYS.—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Smith of Connecticut, Swift, Wall, and Williams—16.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 13.

Treasury Notes.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill supplementary to the act authorizing the issuing of Treasury notes.

He stated, for the information of the House, that almost the whole revenue was unavailable, as it was now paid in the Treasury notes authorized by the act of October last. As the appropriation bills created at this time heavy drafts upon the Treasury, it was obviously necessary to authorize the Secretary to replace the notes so paid in and cancelled, by others to an equal amount.

IN SENATE.

FRIDAY, April 13.

Public Lands.

The bill providing for the reduction and graduation of the price of the public lands, was read the third time.

APRIL, 1837.]

Protection to Indians, and a Delegate to Congress.

[25TH CONG.]

Mr. CALHOUN said, as the bill was now on its passage, he was desirous of stating, in a few words, the reasons which would govern him.

The bill was certainly liable but to little objection as to the details; but he could not give it his support. He felt satisfied that we had arrived at the period, when one of two courses of policy ought to be pursued in relation to the public lands—either to adhere rigidly to the laws, as they now stand, without making any material change, or to make a cession of them to the new States within whose limits they are respectively situated, on terms mutually satisfactory. It cannot be disguised, that the extent of interests involved in the public domain is too great, and the parties interested too powerful and influential, to permit the laws which regulate and dispose of the public lands to be the subject of frequent changes. Numerous and populous as those States have now become, (at which he rejoiced,) it was impossible to prevent this mighty stake from being thrown into the party struggles of the day, and from having a most pernicious effect on our politics, so long as they are under our control, unless we should abstain altogether from touching them, which he found was impossible.

It was well known that, under this impression, he was in favor of ceding them to the States, as the only practicable remedy against the evil he apprehended, and that under it he had introduced a bill to cede them. He hoped that the Committee on Public Lands would call up the bill at an early day. He was prepared to give it his best aid; and he did hope it would receive the sanction of the Senate. In the mean time, he should feel it to be his duty to vote against all measures which provided for any material change in the land laws, as they now stood.

HOUSE OF REPRESENTATIVES.

MONDAY, April 16.

Texas.

Mr. SHIELDS presented the following joint preamble and resolutions of the Legislature of Tennessee:

Whereas we have been anxious and attentive observers of the progress of events in Texas, and have not been unmoved spectators of her late gallant and glorious struggle for freedom, and have seen that freedom achieved by those near and dear to us by the ties of kindred and common ancestry; and whereas we have seen, by a vote of the people of that Republic, an anxious desire manifested to become citizens of these United States; and whereas we believe that the gallant and chivalrous bravery of Texans in their struggle for liberty and free Government, is an assurance of their worth, and sufficient evidence of their qualification, to entitle them to brotherhood and citizenship with us; and whereas, also, we believe that the annexation of Texas to these United States is a consummation devoutly to be wished, and an end worthy our best exertions to attain, if it can be done without an infraction of the

law of nations, or a departure from the policy or principles of this Government:

Now, therefore, *Resolved by the General Assembly of the State of Tennessee*, That we desire most anxiously that Texas be acquired by these United States; and,

Resolved, That our Senators and Representatives in Congress be informed of our desire to acquire the territory of Texas, and to annex it to the United States by treaty or purchase, and at such time as they may deem most expedient.

Resolved, That a copy of this preamble and these resolutions be forwarded by the Governor of this State to our Senators and Representatives in Congress, with a request that they introduce them to the consideration of both branches of Congress.

JOHN COCKE,

Speaker of the House of Representatives.

PERRY H. CAHAL,

Speaker of the Senate.

Passed Jan. 20, 1838.

FRIDAY, April 27.

Relations with Mexico.

The following Message from the President of the United States, received yesterday, was taken up:

To the House of Representatives of the United States:

In partial compliance with the resolution of the House of Representatives of the 21st ult. calling for further information on the relations between the United States and the Mexican Republic, I transmit a report from the Secretary of State, to whom the resolution was referred.

(Signed) M. VAN BUREN.

WASHINGTON, 26th April, 1838.

[The Message was accompanied by a report from the Secretary of State, and a mass of correspondence. The report set forth the reasons why the whole had not been sent in, substantially that all that was most material was furnished; that the whole was very voluminous, and had been received at so late a period that there has been insufficient time for translation, &c.]

On motion of Mr. HOWARD, the whole was referred to the Committee on Foreign Affairs.

IN SENATE.

FRIDAY, April 27.

Protection to Indians, and a Delegate to Congress.

On motion of Mr. WHITE, the bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas, was taken up.

Mr. NORVELL objected to that part of the bill (the 8th section) which provides for allowing the confederated tribes to elect a delegate to represent them at the seat of Government during the sessions of Congress; and he objected particularly to the reasons assigned in the preamble to that section for allowing them to elect

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Condition of the Treasury.

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a delegate, as the same argument might be used hereafter in favor of a negro delegate. He never wished to see the day in this country in which an Indian or a negro would have a seat on the floor of either House of Congress.

Mr. LINN said the gentleman from Michigan was mistaken in supposing that it was intended that the Indian delegate should have a seat on the floor of the House of Representatives. The delegate was to reside at the seat of government during the sessions of Congress, to attend to the affairs of his people generally, and to give such information to Congress as would enable it to be better acquainted with their condition, and to legislate with more certainty and effect with regard to them. One of the objects of the bill was to elevate the Indian character, and to give them respect for, and confidence in, themselves; and the most effectual way of doing so would be to give them the incentive of honorable office; and the committee thought it important that such incentives should be held out to the ambitious and enterprising of this people, instead of the ambition they now have to become warlike chiefs. The bill was, in his opinion, the most effectual measure that could be devised for the security of the States of Missouri and Arkansas, on the borders of which such numbers of these Indians had been thrown, and also the only feasible plan of saving these unfortunates from utter destruction. They had been crowded back by the white population until they could go no further west, and now was the accepted time for the philanthropist to step forward and preserve them.

Mr. LUMPKIN urged the Senate to proceed at once to the consideration of the measure, which he looked upon to be the best that could be devised, not only for the protection and security of the frontier States of Missouri and Arkansas, but of the Indians themselves, and as eminently calculated to elevate and improve their condition. The objects embraced in this bill were not new. The subject had been before Congress from the days of General Washington to the present time; and by a reference to the public documents it would be seen that Mr. Jefferson, and all of his successors, had viewed it as worthy of the most favorable consideration of Congress. He adverted to the two able reports made on the subject by Mr. Monroe and by Mr. Calhoun, and said that the subject had been discussed until it would seem that it was not only familiar to every member of Congress, but to the whole reading portion of the community. If this, he said, were not enough, the information presented during this session, and the able speech of the honorable Senator from Indiana, (Mr. TIPPOIN,) so replete with information and detail, would be sufficient to call the special attention of every Senator to the subject.

Mr. NORVELL modified his amendment by striking out the provision for a delegate of Indian descent to reside at the seat of govern-

ment during the sessions of Congress, and to insert agent instead.

The object was to allow the tribes an "agent," instead of a "delegate," as in the bill, and to leave the compensation to be settled hereafter.

Mr. WHITE said that, provided he could get the benefit of having an agent to be sent here by this confederation, he did not care about the name that was to be given him.

Mr. NORVELL's amendment was rejected.

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Hubbard, King, Morris, Niles, Norvell, Pierce, Smith of Connecticut, Trotter, Wright, and Young—16.

NAYS.—Messrs. Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Linn, Lumpkin, Lyon, Mouton, Nicholas, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Indiana, Spence, Swift Tipton, White, and Williams—24.

MONDAY, April 30.

Protection to Indians.

The Senate resumed the consideration of the bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas.

The bill was ordered to be engrossed for a third reading.

YEAS.—Messrs. Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Merrick, Morris, Mouton, Nicholas, Pierce, Preston, Rives, Roane, Robbins, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Wall, White, Williams, Wright, and Young—38.

NAYS.—Messrs. Allen, Benton, Brown, Calhoun, Niles, and Norvell—6.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 1.

Condition of the Treasury.

Mr. CAMBRELENG presented the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT, April 30, 1838.

I transmit for the information of the Committee of Ways and Means, the enclosed statement, marked A, showing the condition of the Treasury on this day, as to its available resources.

I remain, very respectfully,

Your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

The Hon. C. C. CAMBRELENG,

C. C. Ways and Means, House of Rep's.

A	
Amount of Treasury Notes issued up to April 28th, inclusive, per Treasurer's statement	\$9,423,959 31
Will probably be issued 30th April	135,000 00
	9,558,959 31
	\$10,000,000 00

May, 1838.]

Death of the Hon. Joab Lawler.

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Not issued on the 1st of May, '38,
about - - - \$441,040 69
Treasury Notes received for duties, lands, and in
payment of debts due to the United States, per
returns received at this office up to the 30th April,
'38, about - - - \$5,150,000 00
Other funds available and subject to draft, (deduct-
ing \$400,000 in the Mint, and \$590,000 Treasury
funds,) about (less than) \$500,000 00

THURSDAY, May 3.

*Message from the President—The Mexican Brig
of War Iturbide, and an American Steamboat.*

The SPEAKER laid before the House the following Message from the President:

To the House of Representatives of the United States:

The report of the Secretary of War, transmitted by me to the House of Representatives, in compliance with their resolution of the 16th ult. respecting an attack alleged to have been made by a Mexican armed vessel upon an American steamboat, having stated that no information on the subject had at that time reached the Department, I now transmit another report from the same officer, communicating a copy of a note from the Mexican Minister, with an accompanying document, in reference to the act alluded to, which have been received at the Department since the date of the former report.

M. VAN BUREN.

WASHINGTON, 2d May, 1838.

The following are the papers transmitted:—

Mr. Martinez to Mr. Forsyth.

MEXICAN LEGATION.

New Orleans, April 20, 1838.

SIR: Whilst the notices of an insult pretended to have been committed against the flag of the United States, in the waters of Texas, by the Mexican brig of war Iturbide, were confined to the public newspapers, and I had no documents by means of which I could repel this calumny, I abstained from addressing you on the subject. But as, according to the papers, the attention of the honorable chamber of Senators of the Congress of the Union has been directed towards the charges published against Mexico, by the passengers of the steamboat Columbia, and I am in possession of an official statement from the commander of the said brig relating to the occurrence with the said boat, I have the honor to send you, sir, the annexed extract from that document, with the hope that you will submit it to the notice of his excellency the President. The captain of the Columbia, and not the captain of the Iturbide, as will be here seen, provoked the attack to which this note refers, and the former should, therefore, be responsible for the result, whatever it may be.

To the Commandant General of the Mexican squadron:

BRIG ITURBIDE, under sail, in latitude 29° 6', longitude 88° 48', west of Cadiz, five o'clock in the afternoon of this day, March 24, 1838.

At the moment when you, sir, announced, by your signals, that you saw sails in the third quarter, I made out the vessel to be a steamboat, coming from the north, and I discovered that she was not the same to which we had given chase this morning, and which

was apparently on her way to Brazoria, as this boat has two chimneys, and the other only one. As soon as you gave the signal for chase with all speed, and without our closing, (*sir subjecion á famacion*.) I endeavored by a press of sail to cut her off, steering south-east, clearing away to be ready for action, and taking the other precautions; but on seeing that she was bearing down on my starboard bow, I ordered all my men to take their proper fire and cutting arms, to be ready for an attempt to board. While we were thus sailing towards each other, as you saw, our distance was necessarily becoming less, and seeing that her stern flag was that of the United States, I hoisted mine with a pendant, and fired a gun without ball. I clewed up my mainsail in order that she should stop her engine for me to examine her; but this was not done; and as, on the contrary, her movements towards me were very suspicious, I ordered another gun to be fired, with ball, in a direction very wide of the steamboat, which was done as a notice for her to stop. Instead of doing so, however, she continued on her course, as if with a view of getting past me to the leeward. When I got within speaking distance, I hailed her three times with a trumpet, and she did not deign to give any reply to either call. On the fourth call, an individual answered, *loading me with abuse, and telling me if I wanted to see his papers, I should come on board his boat*. All this was spoken without the speaking trumpet; and although he was called on to stop, in order that his papers and his boat should be visited, he did not do so, but, on the other hand, continued to *insult my political insignia by the grossest obscenities and language*.

In consequence of the proceedings, I fired two cannon and three muskets, not aimed at the steamer, for the purpose of intimidating her, that she should do as required. She, however, took no notice of it, but continued on her way, letting off her steam, which was very high, so near me, that the ashes and some warm water fell on board of my vessel.

"God and Liberty!"

On motion of Mr. CUSHING, referred to the Committee on Foreign Affairs.

TUESDAY, May 8.

Death of the Hon. Joab Lawler.

MR. LYON, of Alabama, addressed the House:

MR. SPEAKER: I have the melancholy duty to perform of announcing to this House the death of one of its members.

My friend and colleague, the Hon. JOAB LAWLER, expired this morning at his lodgings in this city, after a brief and painful illness, which he bore with unusual fortitude and resignation.

Less than a week ago, and he was present in his place in this hall, in the performance of his part in the laborious duty assigned by the people to their representatives. He was yet in the prime of life, and has been cut off in the midst of his usefulness.

By his death, his immediate constituents and his State have lost an attentive, intelligent, and faithful representative; his family have been deprived of a husband and father; and society has lost a member, whose conduct, in every relation of life, was worthy of all imitation.

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Message from the President—Condition of the Treasury.

[MAY, 1838.]

The deceased enjoyed the confidence and esteem of those who knew him well, to an extent which nothing but a course of life the most exemplary, and a character the most irreproachable, could have secured.

In his State he had filled several offices of much importance, and under the General Government he held for several years a trust of great responsibility. In all his official conduct in the various public stations held by him, he acquired a high character for integrity and capacity, which no act of his life forfeited or impaired.

His conduct as a member of this House has been in character with his whole life. While he was firm and unwavering in the discharge of what he considered his duty as a Representative, he was mild and unobtrusive in his deportment, and respectful towards his associates. He had lived the life of a Christian, and died without apprehension as to the future.

To testify our regret for his loss, and respect for his memory, I move the adoption of the following resolutions:

Resolved, That the members and officers of this House will attend the funeral of JOAB LAWLER, deceased, late a member of this House from the State of Alabama, to-morrow, at 12 o'clock meridian.

Resolved, That a committee be appointed to take order for superintending the funeral of JOAB LAWLER, deceased.

Resolved, That the members and officers of this House will testify their respect for the memory of JOAB LAWLER, by wearing crape on their left arm for thirty days.

Resolved, That when this House adjourns to-day, it will adjourn to meet to-morrow, at 12 o'clock meridian.

Ordered, That a message be sent to the Senate to notify that body of the death of JOAB LAWLER, late a Representative from the State of Alabama, and that his funeral will take place to-morrow, at 12 o'clock, from the Hall of the House of Representatives.

The resolutions were unanimously agreed to.

IN SENATE.

TUESDAY, May 8.

Death of Hon. Joab Lawler.

Mr. KING addressed the Senate: Mr. PRESIDENT: Another of the members of this Congress has passed from time to eternity. This unexpected event is well calculated to produce the most serious reflections. "Be ye also ready," should be impressed upon every heart. The Hon. JOAB LAWLER, a Representative from the State of Alabama, breathed his last at his boarding-house in this city, about 9 o'clock this morning. His sickness was of short duration; but a life devoted to piety and virtue enabled him to look with calm and Christian resignation on the dread change that awaited him.

Mr. LAWLER was of humble origin. He was destitute of the advantages of a liberal educa-

tion; but a vigorous intellect, combined with sterling integrity, early recommended him to the favorable notice of his fellow-citizens, and they placed him in the Legislature of his State. For years he continued to discharge his duties in that situation in a manner so creditable to himself, so satisfactory to those he represented, that they demanded his services in a more exalted station. He yielded to their wishes, and twice has he been chosen to represent their interests in the Congress of the United States. Mr. President, his mortal career has closed. His country has lost the services of one of her most virtuous citizens; his bereaved wife an affectionate husband; and his orphan children the fostering care and protection of an indulgent father. To that desolate, heart-stricken family, I would say, "mourn not as one without hope." The husband—the father—was a Christian. He died, as the Christian dieth, in the full hope of a blessed immortality. Keep, then, before your eyes the purity and holiness of his life: live as he lived, and you may go to him; to you he can never return.

Mr. K. then submitted the following resolution, which was unanimously adopted:

Resolved, That the Senate will attend the funeral of the honorable JOAB LAWLER, deceased, which will take place from the Hall of the House of Representatives; and, as an additional mark of respect for the memory of the deceased, the members of that body will go into the usual mourning, by wearing crape on the left arm for thirty days.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 10.

Message from the President—Twenty-eight Millions in Deposit with Banks, and Fifteen Millions due from Individuals, and the Treasury in Danger of Stopping Payment.

The following Message was received from the President:

To the Senate and House of Representatives:

I submit to the consideration of Congress a statement prepared by the Secretary of the Treasury, by which it appears that the United States, with over twenty-eight millions in deposit with the States, and over fifteen millions due from individuals and banks, are, from the situation in which those funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the Government.

The occurrence of this result has for some time been apprehended, and efforts made to avert it. As the principal difficulty arises from a prohibition in the present law to reissue such Treasury notes as might be paid in before they fall due, and may be effectually obviated by giving the Treasury during the whole year the benefit of the full amount originally authorized; the remedy would seem to be obvious and easy.

The serious embarrassments likely to arise from a longer continuance of the present state of things, induces me respectfully to invite the earliest action

MAY, 1838.]

Treasury Notes.

[25TH CONG.]

of Congress to the subject which may be consistent to a due regard for other public interests.

M. VAN BUREN.

Mr. CAMBRELENG remarked, that two or three days ago, he made a motion on the subject referred to in these documents, but which failed from its requiring a majority of two-thirds. He should not, at this moment, renew the motion, but he gave notice that he should do so in the course of the day, unless the privileged question (the duelling report) was sooner disposed of. He then moved to refer the foregoing papers to a Committee of the Whole on the state of the Union, and that they be printed; agreed to.

FRIDAY, May 11.

Treasury Notes.

On motion of Mr. CAMBRELENG, the committee took up the bill to carry into effect an act approved the twelfth day of October, eighteen hundred and thirty-seven, "to authorize the issuing of Treasury notes."

Mr. CAMBRELENG congratulated the committee on the resumption of its labors after so long an interval. The delay was unfortunate. It had been not only embarrassing to the Treasury, but highly injurious to the public creditors, and to all in any manner connected with the public service. It is an extraordinary occurrence, that a Government, whose actual resources, in proportion to its annual receipts and expenditures, were more ample than those of any other Government, should, by mere delay in legislation, be unable to discharge its obligations for current expenditures.

All that the Treasury requires is the full benefit of the act of the 12th October, as is proposed by the bill under consideration. That act authorized an issue of ten millions of Treasury notes, redeemable in twelve months from the date when issued, for the purpose of enabling the Government to collect, in the mean time, an equal amount which was receivable in 1838 from our banks and merchants. Had these Treasury notes been redeemed after the expiration of the twelve months, that is, between October 1838, and June 1839, the Treasury would have been able to meet all its engagements without any other financial measure.

We have heard much here and elsewhere about a bankrupt Treasury, loans and a public debt. Such statements and anticipations are without foundation. Were it otherwise, I trust the bankruptcy of our Treasury, and the prospect of a public debt, would not be subjects of rejoicing. The country was in the midst of a commercial revulsion, and Congress assembled for the purpose of exercising all its constitutional powers, through its financial measures, to relieve trade as far as it was practicable. There was no bankruptcy of the Treasury. The resources of the Government were ample, but the public creditors were unable to meet their

engagements. We had extended the credit to the Bank of the United States to one, two, and three years, and were about to postpone the payment of our custom-house bonds to twelve and fifteen months, and the debt of the deposit banks still longer. Thus twenty millions of dollars of the revenue of 1837, and previous years, were postponed to 1838, '39, and '40. To grant this indulgence, it was necessary to make a temporary use of our credit for one-half the amount of our existing resources. Such was the origin of the Treasury note act of October.

The present embarrassment of the Treasury does not arise from any deficiency of resources, but from the mode of executing the act of October. The rate of interest on the notes was discretionary with the President, not exceeding six per cent. per annum. Had he directed none to be issued under six per cent., most of them would have been taken up by capitalists or remitted abroad, the Treasury would have been protected, and no supplementary act would have been necessary. But there existed a suspension of specie payments, a derangement of exchanges, and severe commercial embarrassment. The immediate interest of the Treasury was deemed subordinate to the general interests of the country. These interests were consulted by furnishing the public debtors with an additional medium of payment, and different sections of the Union with facilities of exchange. Nearly two millions were issued at a nominal rate of interest, nearly three at two per cent., and over four millions at five per cent. They were consequently paid into the Treasury nine months before they were due; and this is the origin of its temporary embarrassment.

WEDNESDAY, May 16.

Treasury Notes.

On motion of Mr. CAMBRELENG, the House took up the "bill to carry into effect an act approved the 12th of October, 1837, to authorize the issuing of Treasury notes," reported last evening, from the Committee of the Whole on the state of the Union.

Mr. HOFFMAN inquired whether it was intended by this bill, that the Treasury notes issued, and paid back into the Treasury, should be cancelled as they came in? And will the power to issue expire on the 31st of December, 1838, as in the act of the 12th of October?

Mr. CAMBRELENG explained that, as the bill originally stood, according to his construction of it, it carried with it all the provisions of that act; but some doubts having been expressed by various gentlemen, to obviate them, he had extended the clause by inserting the words, "subject to all the conditions, limitations, and restrictions" of that act. Consequently, this bill would expire at the time indicated in the antecedent one.

Mr. HOFFMAN admitted that he had not paid strict attention to the amendment at the time

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Treasury Notes.

[MAY, 1838.]

it was offered. He expressed his dissent from the mode of relief proposed. Treasury notes were objectionable, because they were unproductive, and always would be depreciated; and quoted, in proof of this, the testimony of Mr. Gallatin. He adverted to the free banking scheme, which was, as yet, an untried experiment, and stated his objections to some of its features. In reference to any mode of relief, he expressed himself in favor of a direct loan.

Mr. WISE said it was extraordinary that the financiers of the Government should say that they had abundant means, and yet should be compelled to use their credit to raise money; and he made statements to show that the distress and embarrassment which had fallen upon the Government and the merchants, had also reached the mass of the community, and was most oppressive in the valley of the Mississippi. When the issue of Treasury notes was first proposed, the same story of abundant means and temporary expedients was held out, and it was said that time was wanted for the merchants to pay their bonds, for the deposit banks to pay what they owed, and the issue of Treasury notes would accomplish all that was desired. All this had been granted, and now, in the same way, more time was asked, and the issuing of more Treasury notes. He referred to the objection that there was not time to negotiate a loan, and said he thought, though he was not authorized to say so, that Nicholas Biddle would take the loan, and pay the ten millions in specie. That monster, he said, had withstood the colossal power of the Government when it was colossal; and had maintained the credit of his bank at home and abroad; and now that the Government was weak, and was brought into contempt everywhere, Nicholas Biddle was able to loan the ten millions which the Government required to sustain their fiscal operations.

He compared the present issue with that of continental money under the Confederation, and called this the least valuable promise, because it was not *presenti*, but *presenti solvendum in futuro*; and, after describing a note of the old emission, he showed and described a caricature of the Treasury notes, and inferred that the people held such expedients of the Government in derision. He would aid the Government with all needful funds, but he preferred the direct, open manner of a loan.

Mr. BYNUM replied to some of the attacks made upon the Administration, and contended that the proposed mode of obtaining funds was adopted in order to prevent a pressure upon the merchants, who had asked for extension, and to prevent a sudden and oppressive call upon the States for the moneys deposited with them. It was a measure intended to aid and relieve the country. Since the light of knowledge had burst upon the world, and the wickedness of the rulers had been exposed, there was little danger that the people could be long enslaved; and it was in consequence of the

enlightened condition of the age that the dominance of the bank had been resisted and crushed.

Mr. GARLAND, of Louisiana, commented upon the extraordinary character of the President's Message, and the communication of the Secretary of the Treasury, and continued at length an investigation of various questions connected with the state of the currency, insisting that a loan was preferable to the issue of Treasury notes, and that a loan could be readily and speedily negotiated in this country; and defending the conduct of the United States Bank of Pennsylvania, in the purchase of cotton, for the purpose of aiding Southern planters, and paying the foreign debt of the country. He maintained that it was better to resort to a loan in Europe, rather than to this measure, and supported that ground by reference to the practice of the Government in past times, and especially to the times of Washington, Jefferson, and Madison, who had all been in favor of that mode of obtaining necessary supplies.

Mr. CUSHMAN remarked that the subject had been fully discussed, and the hour was late, so he moved the previous question, which call was sustained, and the main question was ordered.

Mr. GRENNELL asked for the yeas and nays thereon, which was the engrossment of the bill; and they were—

YEAS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bynum, Cambreleng, John Campbell, Casey, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, Ingham, Thomas B. Jackson, Joseph Johnson, Nat. Jones, John W. Jones, Keim, Kemble, Gilmore, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Morgan, Murray, Noble, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Pickens, Potter, Pratt, Prentiss, Rariden, Reily, Rhett, Richardson, Rives, Sheffer, Shepler, Snyder, Spencer, Steuart, Taylor, Thomas, Titus, Toucey, Turney, Vail, Wagner, Webster, Weeks, Thomas T. Whitteley, Jared W. Williams, Worthington, and Yell—106.

NAYS.—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoun, William B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Halstead, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Hopkins, Robert M. T. Hunter, Henry Johnson, William Cost Johnson, Kennedy, Lincoln, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, C. Morris, Taylor, Noyes, Patterson, Peck, Pope, Potts, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant,

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[25TH CONG.]

Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—99.

Mr. WILLIAMS, of Kentucky, moved to recommit the bill to a Committee of the Whole on the state of the Union, with instructions to report a bill to authorize the sale of the bonds of the Bank of the United States, and in the event that they could not be sold in time, then to authorize the issue of two millions of Treasury notes for the immediate wants of the Government; and also to authorize a loan of such sum as might be necessary for the actual wants of the Government, until such sale can be made.

This motion was cut off by the previous question, and the bill was passed.

The question being on adopting the title,

Mr. ADAMS moved to strike out the words, "to carry into effect the act approved the 12th day of October, 1837;" which was agreed to.

Mr. FLETCHER, of Massachusetts, moved to insert the following: "to meet the current expenses of the Government;" which was agreed to.

The title, as amended, was then agreed to.

Mr. RARIDEN said, for the purpose of placing himself and his friends in a correct attitude before this nation, he would give notice that he should move a reconsideration of the vote by which the bill was passed. He preferred the amendments proposing to provide means partly by loan, and partly by Treasury notes, to meet the immediate wants of the Government, though he should still vote for the bill if that proposition should be rejected.

IN SENATE.

WEDNESDAY, May 16.

Bank Notes for Government Dues.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the joint resolution submitted by Mr. CLAY, proposing to make bank notes receivable and payable in the receipts and expenditures of the Government, made a detailed report.

Mr. BENTON moved that the report be printed; which motion was carried.

Mr. ALLEN would only observe that this was a very important paper, embracing a subject all interesting to the whole people of this country. It was also very long and elaborate—too much so to undergo a very extensive publication by the ordinary public journals of the country. To supply its absence from these journals would require a very large number of copies to be printed by order of the Senate. In looking into the journals of the Senate to see what had been the practice of the Senate on the subject, he found that the report made by the post office committee in 1834, was ordered to be printed with an extra number of copies, amounting to

30,000. He also found that the numerous documents appended to this report were ordered to be printed to the number of 30,000. The order for this printing passed the Senate by a vote of 26 to 14. Mr. A. here, at the request of several gentlemen, read the yeas and nays on the occasion referred to. Believing this document to be much more important than the post office report of 1834, and that it was essential that the people should have the fullest information on the interesting subject involved, he was for printing the largest number of copies that had ever been ordered in that body—which was 30,000.

Mr. CLAY expressed himself willing to vote for the printing, and he only wished gentlemen to agree among themselves what number they wanted, and he would vote for it. He was surprised, however, that the chairman of the committee had not thought fit to move some disposition of the resolution upon which this report was made. It had been a sufficient time before the committee, and from the importance of the subject, the public would expect some action on it.

Mr. MORRIS entirely concurred with his colleague as to the importance of the document just read. He thought it was just such a paper as ought to be extensively circulated to disabuse the public mind on this important subject. If he could call back the money which had been expended in printing this session, he would willingly go to the expense of printing half a million of copies; but as that could not be done, he was willing to go to the extent moved by his colleague.

The question on printing 30,000 copies, was decided in the affirmative.

YEAS.—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Lumpkin, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Trotter, Webster, Williams, and Young—23.

NAYS.—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, King, Knight, McKean, Merrick, Nicholas, Robbins, Ruggles, Sevier, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, and White—19.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 17.

Treasury Note Bill.

The motion of Mr. RARIDEN to reconsider the vote on the passage of this bill was announced by the CHAIR.

Mr. RARIDEN explained that he was in favor of voting all necessary supplies to the Government, but differed with the majority of the House as to the proper mode. He preferred a partial issue of Treasury notes, and the remainder to be raised by a direct loan. He added, that time was of far more importance at this period of the session than the mode of raising

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means; and, so far from desiring to bring on a protracted debate, he would himself, should such spring up, vote for the previous question. He only wanted an opportunity for himself and his friends to place their names on the record, so that they could not be misunderstood.

Mr. BOON thought this measure had already been debated long enough; and he, therefore, moved the previous question. The House seconded the demand, and the main question was ordered.

Mr. BRONSON asked for the yeas and nays, which were ordered:

YEAS.—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Ayerigg, Bell, Biddle, Bond, Borden, Briggs, Wm. B. Calhoun, J. Calhoun, W. B. Campbell, Carter, Chambers, Cheatam, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Davies, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, James Garland, Rice Garland, Goode, J. Graham, W. Graham, Graves, Grennell, Hall, Halstead, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Jenifer, H. Johnson, W. C. Johnson, Kennedy, Kilgore, Lincoln, Marvin, James M. Mason, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Matthias Morris, Calvary Morris, Naylor, Noyes, Patterson, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Steuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—110.

NAYS.—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Casey, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, Wm. H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, R. McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Murray, Noble, Owens, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Pickens, Potter, Pratt, Prentiss, Reilly, Rhett, Richardson, Rives, Sheffer, Sheplor, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—109.

The CHAIR voting in the negative, the motion to reconsider was lost.

IN SENATE.

FRIDAY, May 18.

Treasury Notes.

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of the bill from the

House to authorize the issuing of Treasury notes.

Mr. CLAY, of Kentucky, observed that this bill came to the Senate yesterday after 12 o'clock, referred to the Committee of Finance, and reported back by them in the course of the afternoon. He wanted to inquire of the chairman of the committee whether they had authority from the Senate to meet while the Senate was in session.

Mr. WRIGHT would answer the Senator by saying, that no authority was given by the Senate to the committee to meet during the session of that day, nor did any member of the committee leave the chamber, to his knowledge. The bill was submitted to each member of the committee in his place, three of whom concurred with him in favor of, and in reporting, the bill without amendment; the others, authorizing the report, though dissenting from the bill.

Mr. WEBSTER said he did not expect to be called on to vote for the engrossment of this bill at so early a period after its reception from the other branch. Scarcely twenty-four hours had elapsed, and yet the question on ordering the bill to its third reading was called for. Before he gave his vote, he proposed to say a few words in relation to the subject. He begged leave to disclaim any disposition to thwart the measures necessary to carry on the Government, and desired that it might be distinctly understood that he wished the Government aided in carrying on all the great works of internal improvement, such as roads, harbors, etc., in which it was engaged. He was of opinion, however, that there were other modes of raising means that might be resorted to, less objectionable than that proposed by the bill before them. At the last extra session he had voted for the issue of ten millions in Treasury notes, and he did not regret it, because, at that time, he considered it necessary to provide present relief. Congress had been called together by the President in a case of great and extraordinary emergency; and yet some of the most distinguished friends of the Administration had avowed their determination never to vote for another issue of these notes. One great objection he had to this money was, that it was continually falling below par, and the Government, therefore, instead of paying its agents, and public servants in the constitutional currency of the country, would be paying them in depreciated paper. Another objection presented itself to his mind; which was, that it was bad policy to get into the habit of raising money by such means. There was now no exigency, no very particular emergency; at all events, it had not been made to appear that there was an emergency to justify such a step. Congress had already been in session five good months, and yet we had heard nothing of such a crisis in the affairs of the Treasury. In fact, there could be no crisis now which a vigilant, systematic, and prudent officer would not have earlier foreseen. Mr. W. contended that the

bill was defective, inasmuch as it did not renew the penalties, and neither did it impose the same duties on collectors, &c., as in the former bill; and he contended that if the money were so much wanted, the proper mode to raise it would be by loan.

Mr. W. moved to amend the bill by limiting the issue to two millions of dollars, to meet such bills as might be immediately due.

Mr. WRIGHT observed that he should endeavor, so far as was in his power, to discharge what was his duty in regard to this bill, without protracting debate.

Still some portion of the remarks of the Senator from Massachusetts seemed entitled to attention. One was his commendation of the sound and valuable principle of paying the public creditor in what was equivalent to specie, and he was gratified to find that the Senator would go with him in favor of the principle that was not less valuable, that of preserving the faith of the Government. The report of his (Mr. W.) to which the Senator alluded, was an argument to show that it was highly improper for this Government to make tender in payment of its debts of the paper of local corporations; and he confessed that to some extent that argument might be applied to paper issued upon the authority, faith, and credit of the Government itself. Then the gentleman would ask him, why did he urge this bill? He answered, because he believed the necessity existed for it. We are told by the Head of the Treasury Department, that even in means of this character the Treasury is so limited, that it is in danger from day to day of being compelled to turn its creditors from the door.

The gentleman had contended that there was no imminent necessity for passing this bill. Would the gentleman tell him why there was not? He says the Senate, so far as it is concerned, has given authority to sell the bonds of the Bank of the United States. He, (Mr. W.) remembered that the only voice raised against that measure was that of the Senator himself, on the ground that we could not sell these bonds upon the terms prescribed, in this country, and that there was not time to send them abroad for sale. He, (Mr. W.) felt the force of that suggestion, and submitted to the Senator that it would be necessary for Congress to provide sufficient means for the wants of the Government, by authorizing an issue of Treasury notes, or by a loan, and added that, if the bonds did sell, it would supersede the issue of Treasury notes to the amount they might sell for.

We have been told that the bill before us is not broad enough to accomplish its object. He (Mr. W.) did not apprehend any difficulty on that score. But he spoke with great distrust of his own judgment, as to construction of law, when the distinguished authority of the Senator was against him. He found, however, the bill to read:

Be it enacted, That the Secretary of the Treasury, with the approbation of the President of the United

States, is hereby authorized to cause Treasury notes to be issued, according to the provisions contained in, and subject to all the conditions, limitations, and restrictions of an act, entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October last, in place of such notes as have been, or may be issued under the authority of the act, aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled.

Now, as far as his comprehension extended, the clause just read brings the whole of the act of the extra session forward, and makes it applicable to this bill. Would it be pretended that under this law a note could be issued bearing more than six per cent. interest?

Mr. WEBSTER. No.

Mr. WRIGHT. Would it be pretended that they could issue more than ten millions?

Mr. WEBSTER. Yes.

Mr. WRIGHT here read from the bill, to show that notes can only be issued in place of those that came in. Again: the notes issued under the authority of this law are made receivable in payment of all dues to this Government. Was there any doubt of this?

Mr. WEBSTER. No.

Mr. WRIGHT. Then it appears that, with one exception, all the substantive provisions of the law of the extra session are made applicable to this, except the penal enactments. As a lawyer, he should as confidently say that these enactments were brought forward as the others. But this was not material. I find, said he, that, as far as the action of the Senate is concerned, the case is already provided for, independently, by a bill just passed to punish the counterfeiting of these notes, and by a general law of Congress in relation to the punishment of crimes, passed in 1825, enumerating the counterfeiting of Treasury notes as one of the crimes to be punished. Again: at the present session the Judiciary Committee have provided for a supposed *casus omissus* found in both laws, which was, that there was no provision made to punish persons who should have in their possession counterfeit Treasury notes with intent to pass them. The Senate had passed this bill and sent it to the other House.

But the Senator suggests that there are no statements, and that, therefore, we do not know that the Treasury needs this supply. His memory told him that the wants of the Treasury were so imperative as to require a special communication from the President of the United States; that that communication was made to both Houses, and was accompanied by one from the Secretary of the Treasury; that that message recommended this mode of providing for the exigency, and it seemed to him emphatically to be the correct one. His information, as late as yesterday morning, was, that there were but \$50,000 of Treasury notes, authorized by the act of October, that remained to be issued; and that there were but some \$200,000 in the Treasury scattered over the whole country. Why are we brought to this state of things? The

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Senator told us that, after passing the law of October, it was understood that one of this character would not be called for again. But the Senator did not recollect the change that was given to that act in the House of Representatives. It passed this House without any provision as to a reissue of the notes, but it came back from the House with an interdiction on such reissue; and he (Mr. W.) remembered well, in moving for a concurrence with this amendment, that he said that the bill thus amended would answer till the next session of Congress, when further provision could be made, if necessary. By making these notes receivable for the dues of the Government, nearly six of the ten millions had been redeemed, and all our revenue coming in comes in that paper. The revenue is as large as was anticipated, but there was no money coming in; and, though they had issued ten millions of paper within \$50,000, they were now but four millions in debt, the balance of the notes having been already redeemed and cancelled. It was not by this bill that they were incurring one dollar more of debt than was authorized by the act of October last. We have been told of the depreciated character of this paper. He believed that some of the prices current had put it below bank paper, though that was at one single point of the Union only, New York; but it was now quoted there and at Philadelphia, three or four per cent. higher than that paper (United States Bank notes) which is held in such high estimation by the gentleman and his friends. His information told him that Treasury notes were higher at the South than any bank paper. In Philadelphia it was also higher, though in New York it might be quoted a trifle lower. That, however, was not the point. The question was, what were they to do? We cannot, by our fiat here, place money in the Treasury at a moment's warning. Then can we do any thing better than to give to the creditors of the Government the best paper in our power—that issued upon the faith and credit of the Government itself? The limitation proposed by the Senator's amendment would not answer. Who could tell how soon it would come back again? and how long would two millions last, when in the single port of New York it comes in at the rate of \$300,000 per week?

Mr. WEBSTER said the candor of the honorable gentleman has put this bill on the ground which expresses the different opinions between him and myself exactly; and I am desirous that it should be understood that what he says in favor of Government paper money goes to make it, on the whole, but little better than the bad money of broken banks. The Senator says it is at least as good as theirs, which is twenty or twenty-five per cent. below par. Have we contracted with our army, our navy, and the judges of our courts, to pay them in something but a little better than the depreciated paper of the banks?

We have heard much said about the paper

party, the advocates of a paper system, and a paper Government. Let us see who they are. I insist that the mouth of the Administration is shut on this subject; for all they propose to pay out is not gold and silver; and if we cannot pay our own debts in specie, or its equivalent, how can we demand it of others? What is the argument of the honorable chairman of the committee, but an acknowledgment that we cannot pay our debts? He asks what can be done? Sir, I will tell him. If Treasury notes are issued, all bearing an interest of five or six per cent., and sold to supply us with the means of paying what is due from the Government, our credit and punctuality will be sustained. He proposes that they shall not be payable under a year. Let us issue them so, bearing an interest of five or six per cent., and sell them in the market, and in two hours the Government will be able to meet the demands upon it. Why should this not be done? Sir, I put the question to Congress and to the country. They may not sell at par, but why not sell them notwithstanding? If it is not done, the Government cannot properly pay its debts; and who, in that case, is to bear the misfortune—the Government itself, or its individual creditors? The Senator is averse to this method, because there is an exigency in the condition of the Government, and it cannot pay its debts without a sacrifice. Is this the language of individuals? If there must be a loss in the payment of a debt, on whom is it to fall? Does an individual say he would have to sell his property cheap, and, therefore, he cannot pay? Sir, there is no difficulty in the way to prevent the Government from doing as I have proposed, to maintain the credit and good faith of the country; there is nothing to prevent our selling our own notes, and thus raising the money, and paying according to contract.

This bill, I am of the opinion, will not have the effect to revive all the act of October last. All that relates to the duties of the Secretary of the Treasury is duly provided for; but this bill does not revive the third section of the law of October, relating to the collector, his deposits, and receipts, and all that; and I say that it does not revive the penal part of that law. The Senator speaks of the law of 1825 as supplying this deficiency, but in the bill of the last session he thought the penal provision necessary, and I had supposed that the law of 1825 did not cover exchequer bills subsequent to that period. If the Senator means to say that this bill does not revive those provisions, then I say that it does not accomplish its object in that respect.

The four or five millions of dollars of Treasury notes are now outstanding. The gentleman says that they are all received for the customs and at the land offices, and therefore the Government gets no money. Is it not the reason of the distribution of these Treasury notes that they are to serve the same purpose as to get the money? These reports show that we have a

Government currency, and have not any thing in the Treasury but this depreciated paper, and that is a state of things which I will not agree to encourage. I am opposed now, and always have been, to all introduction of paper money as a depreciated currency for the Treasury, and I ask again, if we cannot pay our own dues at par, who can?

MR. CALHOUN said that he had not heard, during the whole session, a stronger argument in favor of the policy, that the Government should keep its own funds, and collect them in the legal and constitutional currency of the country, than that just delivered by the Senator from Massachusetts, (MR. WEBSTER.) He entirely concurred with him that it is bound to pay its creditors in the legal currency, and the importance of preserving the public faith from the slightest blot. But to accomplish this, the Government must always be kept in a condition to meet its engagements, and how could this be done, but by collecting its dues in the legal currency, and keeping it in its own custody?

But while he tells us that the Government is bound to pay in gold and silver, and that nothing short of that can preserve the public faith immaculate, he is the strenuous advocate of collecting its dues in bank notes or their equivalent. The fallacy consists in supposing that such notes are equivalent to specie. There is nothing equivalent to gold and silver but themselves. Nothing else can legally pay debts, or release the debtor from his obligation to his creditor. This the Senator asserts, and insists on most correctly. How then can bank notes be equivalent, unless they can always command, without the possibility of failure, the amount of gold or silver that they call for? Is such the fact? On the contrary, is it not notorious that the Government has millions of bank notes collected, when the banks that issued them were specie-paying banks, but which cannot now command a cent in specie? And is it not now compelled to dishonor its credit, and violate its faith, because it collected its dues in bank notes, and confided the safe-keeping of its funds to the banks? And yet while the Senator denounces this want of ability on the part of the Government, he is the strenuous advocate to renew its connection with the banks, under the fallacious idea that bank notes and bank credit are equivalent to specie; doing, in a word, the very thing again which has subjected the Government to the necessity which he so strongly condemns! Worse than this: he proposes to repeat the process, when it is admitted by his colleague, (MR. DAVIS,) and his distinguished friend behind him, (MR. CLAY,) that the renewal of the connection must again be followed in a short time by another explosion, when again the Government would be compelled to do what the Senator so justly and strongly condemns!

The Senator, in his zeal to preserve the public faith, recommended that the Treasury notes

authorized to be issued by this bill, should be made to bear an interest of 6 per cent., and be sold for money instead of being paid to the public creditors. He did not explain what he meant by money. If he means gold and silver, does he not see how greatly it would impede and embarrass the resumption of specie payments for the Government to go into the market, and draw out at once eight or ten millions of specie? Would he recommend that at this critical moment, when the banks were about to resume? If he means bank notes, then it was neither more nor less than to advise the Government to exchange its credit for the credit of the banks of New York and Boston, (the only specie payments at this moment,) and give them 6 per cent. to boot, when it was notorious that Treasury notes were at par in both those places, and would be better over the whole South and West than the very notes for which he proposes to exchange them! This would certainly be a very good operation for those banks, but would be a very bad one for the Government and people. The Senator has spoken of Treasury notes as being depreciated. Such was not the fact. They had been above par everywhere, habitually, compared with the local bank notes, except during short intervals at New York; but that did not show that they were actually depreciated. We all know that the currency of New York has been in a highly artificial state, from the necessity its banks were under to resume specie payments by a certain day, or forfeit their charters. The rate of her exchanges with London clearly proves the unnatural condition of her currency. The difference in her favor was far greater than could be explained by any operation of commerce, and if he did not mistake, was greater than the depreciation of the Treasury notes compared with her local currency, which demonstrates that they have not been depreciated at any time, compared with London, which may fairly be considered the standard of the currency of the commercial world. Though he regretted, with the Senator, that the Government had not at all times been in the condition to meet its engagements in gold and silver, it was some consolation to reflect that substantial justice had been done to its creditors, as far as it had used its own credit throughout this embarrassing and painful crisis.

The question before them was very simple. The Government was out of money, and there were but two ways of supplying the deficiency—to borrow it, or to use its own credit; and the question was, which should be done? The Senator objected strongly to the latter, but he could not possibly be more opposed to it than he (MR. C.) was to the former. It is useless to attempt disguise. Those who advocate a loan, mean to force the Government to exchange its credit for that of the banks. To give a clear conception how the blending of the credit of the Government with the banks operated, both in relation to individuals, and the Government,

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he would illustrate his conception by a statement of a case. Take three individuals, near neighbors, and of equal wealth and credit: say three planters, each worth a hundred thousand dollars, free of debt, and of equal character for fidelity in meeting their engagements, and call them A, B, and C. It is manifest that, each being of equal credit, neither would think of exchanging his credit for either of the others, much less of paying a difference in the exchange. But let Government interfere and take up C, and confer banking privileges upon him—that is, authorize his promissory notes to be received in its dues and the purchase of its domain, and give him the use of its funds between the periods of collection and disbursements, and this equality will be destroyed. A and B would now call it an accommodation to obtain C's notes in exchange for theirs; nay, C would disdain to exchange, unless the one should endorse for the other, and pay him six per cent. difference; and to this exaction they would be compelled to submit. A, for instance, wishes to settle a son in the West; and for the purpose of purchasing land from the Government, desires to raise ten thousand dollars. Neither his note nor B's can buy land; and to obtain the means, he is obliged to go to B, get his endorsement, which, from his perfect confidence in his neighbor, he gives for nothing, and gives his note, with the joint credit of both, in exchange for C's note, deducting nearly seven dollars in the hundred, or nearly seven hundred on the whole. His son puts the note in his pocket-book, and goes off to the West, where, through the magic of banking privileges, it is converted into solid and fertile acres. Presently the Government gets out of money; and all the friends of C (a numerous host) zealously insist that, instead of using its own notes, it should sell them to C in exchange for his, and pay the same difference; and this they call a loan—borrowing money! The thing is monstrous.

Thus regarding it, he has long considered public loans amongst the greatest impositions; and he was accordingly mortally opposed to a public debt. When there was a deficit, it was better by far for the Government to use its own credit directly, nor did he believe it to be impossible, if the laws which govern credit and circulation were fully understood, to supersede a resort to any other resource, without burdening the public with the heavy and pernicious load of debt, contracted for the most part by the exchange of its own credit for that of the banks, in the form of bank notes.

If Treasury notes were really below par, as asserted by the Senator, it would not be at all surprising, and might be easily explained. Their value mainly depends on their receivability in the public dues, and it might be anticipated that the liberal indulgence given to the public debtors at the extra session would tend to depress them in the market; and it is a proof of the high estimate placed on them by

the public, that they have been so little affected. Their depreciation during the late war, when they sunk below the value of bank notes even, during the period of the suspension of specie payments, has often been urged against their use. Nothing was more easy of explanation. The Government had the weakness and folly to permit it, by its own voluntary acts, by putting bank notes of every description on a level with Treasury notes in all its transactions, while the banks on their part refused to put them on a level with theirs in their transactions. The result was, that bank notes could perform all the functions of circulation, public and private, while Treasury notes could perform only a part. Their depreciation followed as a matter of course, under the known laws that regulate circulation. The use of bank credit by Government had been, in his opinion, the source of great mischief, both in this country and England. It was the parent of the enormous debt that has pressed so heavily on the energies of the latter, as great as they are. He had barely touched on a range of questions little explored as yet, but intimately connected with the progress and prosperity of the country. Whenever the elements of a true and stable currency were ascertained, he felt assured that it would be found to consist partly of gold and silver, and of paper, resting not on the credit and authority of banks, but of the Government itself.

Mr. WEBSTER said: I am not at all surprised to hear the Senator from South Carolina say that he has found my argument against Treasury notes a very good one in favor of separating bank and State, for the present state of the gentleman's mind is such that he would find such an argument anywhere, on any subject, and on any occasion. So deeply is he immersed in this, his favorite subject, that I verily believe, if he should hear a discourse on theology, or a philosophical dissertation, he would start up and say it contained fine doctrines for divorce. But what did I say touching the doctrine of divorce? I insisted that the Government should fulfil its contracts; but what has that to do with divorce? Did I contend that the Government should pay any thing not equivalent to specie? I contend that Treasury notes can never be at par, and by that I mean at the established rates according to law. The gentleman says they are, and have been, at par, because they are equal to par in New York. But he might as well say that broadcloth, or molasses, or any other merchandise, is at par. His proposition is that they are equal to par in New York for the London market. But what of that? I mean that they are not equivalent to gold and silver, in the currency, and according to law.

He speaks of our exchanging credit with the banks, and paying the difference. What does he mean by credit? If he means that the Government can contract loans on as good terms as the banks, that is not denied. But what would you call a check which is given on a bank?

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Is that credit? It is not credit; it is a thing entirely different. To make the two cases at all alike, the Government paper must be redeemable in specie, on demand, at the Treasury; and then, I dare say, its paper would be very good. He asks if Mr. Astor would pay a bank for its credit. Mr. Astor, and every man, however large their capital, and credit, borrow money of the banks when they wish to do it, on time, because that money is payable in specie. The gentleman calls that an exchange of credit for credit. But you cannot say that a note on time is equivalent to a bank note commanding the specie; they are entirely different. The gentleman says that the Government credit is the best in the world; but it is not the best in the way that the Government uses it here. If he says bank notes circulate on the credit of the Government, that does not make Government notes of this kind better than bank notes payable and paid in specie. It may do very well to help out of an emergency; but the crisis is in his argument, and the emergency in his proposition. Paper is not equivalent to specie, unless it is payable in specie.

I am asked whether I would go the length of selling these Treasury notes for money, and then whether I would have it in specie. I at once say, sell them, and then everybody will know that there will be a choice only between specie and something that will command specie. I say make your accounts everywhere in specie or its equivalent. The gentleman supposes that we are to withdraw the amount of \$10,000,000 from the circulation. If we should grasp the silver and shut it up in the Treasury vaults, that would be altogether injurious, and the gentleman, therefore, uses a very good argument to-day against what he urged six months ago. He now says, if we withdraw so much specie, it would cause embarrassment; but what did he think of demanding it for revenue? He now says that this Treasury note bill is a most necessary step for all the banks. He then saw no inconvenience in demanding payment in specie; it would not embarrass the country, and was the only just mode of collecting the revenue. Let our Secretary of the Treasury be a man of just and liberal policy, addicted to no mere theories, and bound down by no party dogmas, and he will make the disposition of these notes in the market in a few days, disturbing nobody, and giving no occasion for these agitations and alarms; it is the continuing these Treasury notes, and rejecting the practice of twenty years for dreams and theories, that creates all difficulties.

But the gentleman asks, is not the Government to use its own credit? Certainly it should; and it is right that, like individuals, it should get money and pay its own debts. It should use it now; but is it a proper use of Government credit to force it, instead of the money, on its creditors? Is it justice to tell its creditors, though you prefer specie or the notes

of specie-paying banks, you shall have our credit only?

And now to go back to his example of the three farmers, A, B, C. The gentleman supposes that the Government authorizes the receipt of the paper of C, so that he may make purchases directly of Government, which A and B cannot do without endorsed notes at interest, and he says that this is just the case with the banks. I say it is not the case, and that every idea of credit involves time and convertibility; and if it does not, it is nothing. The notes of the bank are money in effect, and to say that their paper is on time, and that there is merely an exchange of credit, is what no man can say with propriety. Suppose one of your officers in the city of New York sells a Treasury note, and he gives you a check on one of the banks paying specie, so that you can go across the street, and get it if you choose, is there any change of credit if you receive the notes of the bank, when you can go at once and get the specie? It is not an exchange of credit; it is an exchange of credit for money, if you give your note on time, for specie, or the equivalent of specie. This, Mr. Astor, or any other individual would do, if he wished to use his credit for what would give him an immediate command of specie.

Mr. CALHOUN would not notice the criticism with which the Senator opened his remarks, as he considered that as intended for the gallery. He had long noticed that, when hard pressed in argument, the Senator always resorted to sarcasm or ridicule; and there were few occasions in which he more needed their aid than the present. He never accused the Senator of saying that bank notes should be forced on the public creditor by the Government; on the contrary, he rested his remarks on the ground assumed by him, and which he entirely approved, that it could not, in good faith, discharge its debts in any medium but gold and silver, which he regarded as a conclusive argument why it should collect its dues in the legal currency, and keep its own funds under its own custody, that it might always be in the condition to preserve its credit. On the contrary, the Senator was in favor of receiving the notes of specie-paying banks, on the ground that they were equivalent to gold and silver. Here lies the delusion of the Senator. To be equivalent *is to be equal in all respects*; and yet, while the Senator confesses that they are not equal in the discharge of the debts due from the Government, he holds them to be equal in the payment of debts to it. The truth is, that it is a pure fiction to consider bank notes as equivalents to specie.

But the Senator has gone a step farther. He says that bank notes are not credit, and do not rest on credit! Not credit! He would not waste his breath in dispelling so wild and strange a delusion, which all around us proclaim to be the merest phantom. So far from being

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specie, representing specie, or resting on specie, or being necessarily converted into specie on demand, they are nothing but credit, credit, credit, throughout.

Since the days of the deposit bank of Amsterdam, bank notes never have represented specie. The first act of a bank, even when specie was actually paid in, which was rarely the case, was to get clear of it, except a small portion, by lending it out. The real bank capital, on which they mainly did business, was the notes discounted, which rested on the credit of the drawers and endorsers, and on their credit and solvency depended the credit and solvency of the banks. It was, in fact, their credit, converted into bank notes, and backed by the Government credit, on which bank currency rested.

The Senator seems to think that it is impossible to bring and keep Treasury notes at par with gold and silver. In reply, he would refer to the fact already mentioned. It appeared by the *Intelligencer*, now on his table, that they are now at par with specie at New York. But he had a much stronger fact. The Prussian Government, which he regarded as the best administered at present in Europe, had a permanent issue of Treasury notes of a large amount, which were not only at par with specie, but habitually bore a premium; which completely refutes the assertion of the Senator. The Government, in all civilized countries, is the great money dealer. Its fiscal action pervades the whole community, and affects, more or less, every individual in it, and it must, of course, create a general demand for whatever it receives and disburses as money in the management of its fiscal concerns. To this our Government adds the possession of a boundless and fertile domain, which is in the course of rapid settlement, and that necessarily creates an extensive demand for whatever is received in payment for it. It is these demands which will ever keep Treasury notes at par value, unless the due proportion between demand and supply should be transcended, or bank notes, or some other medium other than gold and silver, be permitted to supply their place.

MR. WEBSTER. I wish it always to be understood that, when I insisted that the Government should pay in specie, I always added, "or the equivalent of specie," because specie-paying bank notes are equivalent to specie. Under the resolution of 1816, every thing was passed to the credit of the United States as cash. And why did we allow the payment of specie-paying bank notes? It was for the sake of convenience. But it was not said that they would not be subject to loss. There was danger of loss, or at least no absolute security; and the same may be said of specie itself, for that may be counterfeited. My argument was this: that the paper of specie-paying banks was received and paid, valuing it as a constant equivalent to specie; and this is founded on the fact that specie-paying bank paper is the repre-

sentative of specie, having that which it represents always at command.

But I am glad of one thing: that the gentleman does not deny what I said in respect to his being in favor of a Government paper currency; but, on the contrary, has confirmed it. If this is not the tendency of the doctrine of State rights, it is the result of the doctrine of him and his friends; all tends to a Government paper, a Government bank. He is for a Government paper, and I go against it.

I do not see that Government pays in specie any the less because it uses the agency of the banks. For twenty years we have paid in specie, or its equivalent, and have used the banks as our agents, and we use them now. The gentleman says he will have nothing to do with bank paper. But what says the Secretary of the Treasury? Does he not say that he will receive bank notes; and has it not been proclaimed as a great merit in the Administration that they do receive them? Does the gentleman suppose that specie is now paid on goods imported? I understand just the reverse, and that the merchant's check is received for his bond; and this is justly considered as equivalent to specie. Therefore, if these Treasury notes were sold in New York, the merchant would give his check for them.

The gentleman seems to complain that I did not answer his case of A, B, C. It was thus, as I understood it: He supposed three farmers of equal credit, but the Government says it will receive the paper of C. If that were the case, I should say it would be a very foolish and unequal law. But if he had put it in the case of C that his paper was convertible, on demand, to specie, and that the paper of the other two was not, he would then have a parallel case, and it might be an advantage to C to give his paper this respectability. But that is not the object. The great object of the Government is, and ought to be, the accommodation of the public; and, if there is an incidental benefit, that can be no objection, but a recommendation. But the object is to accommodate the public and the Government.

MR. CALHOUN wished to be distinctly understood, that he did not carry his ideas of the Government using its own credit beyond the temporary wants of the Treasury, and the convenient management of its fiscal concerns.

If he did not censure the Administration for receiving the notes of specie-paying banks, it was because he believed that the laws left no discretion; but, with his opinion, if he were the Chief Magistrate, and believed that he had a discretion whether to receive such notes or not, he would not permit a dollar of bank paper to be received. There was a heavy responsibility somewhere. We are renewing our connection with the banks, when it was admitted that a shock must again follow at no distant day, unless some measure was adopted to prevent it. He hoped gentlemen would bring for-

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ward their plans for preventing it, so that they might be duly considered.

Mr. PRESTON would give his assent in no shape or form to the establishment of the repudiated and continental system of paper money. He should meet the crisis boldly, and not seek to hide the matter under the garb of a *re-issue* of Treasury notes. This bankrupt state of the Treasury must have been known, or at least foreseen. The sales of the public lands had almost entirely ceased; the revenue from the customs was dried up. Why, then, were the States not called on for the restoration of the deposits? He would answer, that the people might not have their eyes opened to scrutinize the conduct of the present Administration; that Administration which had promised so much in the way of retrenchment and reform, and done so little! That explained the partiality for Treasury issues, that splendid financial operation, which made money for the Government by the skill of the engraver; the object of which was to conceal from the people the state of embarrassment which misrule had brought upon them. It would appear that when we got out of money, all we had to do was to send to New York; a little steel, and copper, and ink, were the only ingredients necessary for the issue, as the people had already forgotten the Commonwealth paper of the Revolution and the *assignats* of France. What was the object of all this, but to bring the people by degrees to the adoption of a Treasury Bank. Mr. P. denied the constitutional right of Congress to issue bills of credit, and for so high a right as that he would claim the *express power*; we had the right to tax, and to borrow, and the enumeration of these powers showed clearly that the right to issue bills of credit was not in the grant.

Mr. CRITTENDEN opposed the bill, on the ground that this mode of raising money led to extravagant issues, and therefore ought to be discouraged. In three years this Administration, with the cry of retrenchment and reform, had spent one hundred millions of dollars, and now gave out an "*emergency*." If this were to continue, and the people called on for ten millions every few months, the sooner the Administration was in the bills of mortality the better! Nothing could cure it but keeping it from the money.

Mr. BROWN. The Senator from Massachusetts spoke of the depreciated condition of Treasury notes, and contrasted them with the notes of the banks, greatly to the advantage of the latter. One of the arguments of that gentleman, predicated on this assumption, was, that Treasury notes should not be offered to the creditors of the Government, but that they should, at all times, have the option of receiving gold and silver, or their equivalents. Another honorable gentleman, distinguished in the ranks of the Opposition, took occasion the other day to say, that the notes of the Government were inferior in value to those of the

Bank of the United States. Now he (Mr. B.) happened to have in his possession a statement, which conclusively established the contrary. He saw in the Price Current of New York, dated the 15th of this month, that they had sold at par in the notes of banks which were redeemed in specie; and, therefore, they were equivalent to specie.

At the very time that the gentleman uttered the remark that the Treasury notes were inferior to those of the Bank of the United States, the latter were four or five per cent. below par, when the former were above, or equal to it. He found, also, by the same paper, that in the city of Philadelphia, Treasury notes sold at $2\frac{1}{2}$ per cent. advance. Now there was that difference between the current notes of Philadelphia and specie; and therefore, at that place, the Treasury notes were equal to specie. He took the occasion to say that these errors and misrepresentations were of a piece with many others that daily went out from this body. One of the great objects of a certain political party seemed to be to assault and destroy the credit and character of the Government of the United States; and while they did that, they, in the same breath, sought to elevate the credit and character of the Bank of the United States. Such assaults were not only against the credit and character of the Government of the United States, but they were against the honor and character of the people of the United States; for the people and the Government were identified, both in credit and in character; and their pecuniary and political interests were indissolubly connected together.

No man was more averse to an extravagant expenditure of the public money than he was. He was one of that school, who believed that a rigid and judicious economy, in the management of the public finances, was essential to the preservation of our institutions. But the Government was embarrassed, and that embarrassment was brought about, not by its own acts, but by a great moneyed power, acting in concert with a certain political party, whose only hopes of success rested in destroying the credit of the Government, and drying up the resources and commerce of their country. It was one of a series of actions, put into operation for several years past, to arrest the financial operations of the Government.

Mr. B. said that the journals of both Houses of Congress might be very safely appealed to, as showing that the opposition to President Jackson's administration had almost uniformly favored a profuse and extravagant expenditure of the public money. When he had first taken his seat in that body, which was at the first session of Congress after the late President came into office, he had found the Opposition, which was mainly composed of the old American System party, almost uniformly urging and voting for the most wasteful appropriations of the public money. There was no system of pensioning, however great the charge which

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it was likely to bring on the Treasury, that did not, in the main, meet their favor and support. There was no object of internal improvement, however improper and unconstitutional, that it did not find from them a warm sympathy and ready advocacy. They were, in the main, as a party, the supporters of the great project for a national road from Buffalo to New Orleans, the cost of which was estimated at from fifteen to twenty millions of dollars. It was this profuse system of extravagance, which at that day found so much favor with the Opposition, that led to the memorable veto of President Jackson, on the occasion of the Maysville road bill; at which time bills were pending before Congress for various projects of internal improvement, the estimated cost of which was largely upwards of one hundred millions, and which were mostly arrested by that memorable decision of the President, and the public Treasury saved from a system of the most wasteful prodigality. It was true, that when some surplus had begun to accumulate in the Treasury, and a plan for distribution among the States had been formed, the language of economy had sometimes been heard from that quarter. It was a much more rapid and expeditious way of operating on public opinion, to act on entire States, than by the slower and more detailed plan of acting on sections, by granting appropriations for roads, rivers, &c. Hence this change, in his opinion, in the plan of the Opposition and American System party. In this point of view he had always regarded the possession of a surplus more as a source of weakness than of patronage to those in power. By the dexterous use which the Opposition had been disposed to make of it, it had been in reality turned against the Administration, and had been a source of patronage to those out of power, to aid their designs in obtaining power.

Mr. B. said, therefore, on a review of the whole course and policy of the two great political parties in this country, that no impartial mind could fail to arrive at the conclusion, that the policy of the late and present Administrations had, by favoring a reduction of duties, and restricting appropriations for internal improvements, greatly promoted economy in the public expenditure, in comparison with the system of extravagance which would have prevailed if the policy of the Opposition had succeeded. It was not for those who had introduced and established an exorbitant system of duties and taxes, by which large and unnecessary sums were brought into the Treasury, to reproach others with extravagance.

Mr. WRIGHT said it was not necessary to take up the time of the Senate by answering all the misrepresentations which had been made. Some of them were well understood, and would be easily corrected. For instance, we have been told, said he, that ten millions of debt were contracted by the bill of the extra

session, and that ten millions more were asked for now. Now every gentleman knew that ten millions could not be exceeded, and that not one dollar of Treasury notes could be issued under this bill, except to supply the place of a note that had been redeemed and cancelled. With reference to the amendment proposing to reduce the issue of Treasury notes to two millions, he would observe that there were the expenditures under the General Appropriation and Navy bills to be provided for, and, in addition to that, a bill to meet the expense of the Florida war must soon be expected here; and from information they had, at least two millions had been expended on that object alone, and drafts to a large amount for that service were waiting here for the necessary appropriations to pay them.

Mr. BENTON rose for the purpose of answering the question how the Treasury came to be at present out of money. He should be able to answer that question out of the book, and in such a way that there should not be a man, woman, or child, in the country but would be able to understand it. It was because the Congress of 1836 distributed among the States not only the surplus, but nine millions of appropriated moneys. [Mr. B. here read the report of the Secretary of the Treasury, showing this fact.]

By the act of Congress of 1795, every appropriation made by Congress must remain two years to be applied to the object for which it was appropriated, and then, if not applied for, it was to go into the surplus fund. When the bill of 1836 was passed, this policy of the Government was violated, and it took all the money in the Treasury on a certain day, whether it was appropriated or not. The distribution was peremptory on that head, and divided the money, not that which remained after answering the appropriations, but that which was in the Treasury on the first of January. The stave-off policy was pursued then, as now, and it was midsummer before the appropriation bill was passed, and therefore, as he stated, there was a recapture of the appropriations. He denounced the recapture at the time, and at the ensuing session, when the report of the Secretary of the Treasury, showing that \$9,646,000 had been recaptured, he called for the objects for which the appropriations thus recaptured had been made, and a detailed statement was made by the Secretary explaining them. These facts were known to every gentleman here, notwithstanding it is represented to the people that the Treasury is destitute in consequence of extravagance. If he had known that these statements would have been made, he would have provided himself with the document, and shown the portion of these appropriations that had been recaptured. These Treasury notes were now wanted to pay for them. He took his stand, (Mr. B. said,) with five or six others, against this Distribution bill, and he now con-

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gratulated himself that he had done so. The consequences resulting from this bill had shown that he was right. He said at the time that it was an illusion; that there was no money; that it was all bank credits, that would vanish into nothing as soon as the banks were called upon. He remembered a former occasion, when all this song of a surplus was sung in the same key, and ended very much in the same manner. When he came into Congress, in Mr. Monroe's time, we had an income of forty millions, and a surplus of nine millions, and in the next there was not a dollar—no recapture. In the first year he was here, eight millions were borrowed, and that too within a year after Mr. Monroe had called on Congress to know what to do with the surplus.

Mr. TALLMADGE recollected the word "*bamboozled*." It had been quoted by the Senator as often in 1836 as to-day, and was a kind of catch phrase used for political effect. Mr. T. contended that if the deposit law had gone into operation as originally intended, all the present disasters would have been avoided. The Senator from Missouri has told us that he was proud he was one of the six that had stood up against that measure, and that he had warned gentlemen at the time that it would destroy the banks. It so happened that two of the cashiers of banks of New York had told him to take the money out of their hands, and deposit it with the States, and that conversation was what induced him to make a proposition to that effect. It was well known the President said he would veto such a bill; and with this threat of the veto over our heads, the bill was not passed as originally drafted. If it had, we should now have had any money that we might have wanted, had it not been for Executive interference. If this act had not been passed, which arrested the eight or nine millions that the Senator spoke of, where would the gentleman now have been if his magnificent schemes of fortifications had been carried out? If the report sent in by Secretary Cass had not had the effect to arrest this extravagant appropriation, instead of now being called on for ten millions, we should be required to give twenty or thirty millions.

Mr. CRITTENDEN said he did not understand how this nine millions was recaptured.

Mr. BENTON. Here take the book and read it.

After some remarks from Mr. CRITTENDEN,

Mr. BENTON said he meant to speak out of the book, inasmuch as the Senator from New York (Mr. TALLMADGE) had denied that the distribution act had contributed to the suspension of the banks, and gave as his authority information derived from gentlemen who were directors of two of the New York banks. Now he had a report made by Mr. Albert Gallatin, and others, at a convention of the city of New York banks, and as that report was made for all of them, the two banks alluded to by the Senator must have been of the number. The

report was made before a meeting of all the banks of the city, and approved of by the whole of them.

Now here was an enumeration of the causes which produced a stoppage of the New York banks. Four causes were given; and one of them was the simultaneous withdrawal of the public deposits, etc. Now, what caused the withdrawal of the public deposits? It was caused by the distribution act, and not by the Secretary of the Treasury. This is what he asserted; and he was supported in the assertion by all the banks of New York. None of the extravagant appropriations were mentioned in the report of the New York banks. His fortification bill was not mentioned; and even the Specie Circular was not thought of.

Mr. CALHOUN said that the necessity of passing the Deposit act of 1836 was so imperious, and its benefits so manifest, that it required but little to be said in its vindication. Such was the urgency, that it is well known many who were disinclined to the measure, felt compelled to give it their reluctant support, as the only possible means of extricating the country from overwhelming difficulties, and of saving any portion of the immense surplus that had accumulated in the Treasury, and which was still daily augmenting. If there had been no other argument in its favor, the one which is so clearly stated and forcibly urged in the late report of the Finance Committee on the resolutions of the Senator from Kentucky, (Mr. CLAY,) was all-sufficient. That document clearly proves, as was urged at the time, that a vicious circle had been formed from the deposit banks to the speculators in land, and from them to the land offices, and thence again to the banks; by which millions of millions of the choicest portions of the public domain were, at every revolution, passed from the people to the speculators for worthless bank notes. Every time the wheel went round the surplus was increased, and the capacity for another and more sweeping revolution augmented in the same proportion. The Deposit act, by withdrawing the funds from the banks, and placing them in the safe-keeping of the States, cut and destroyed this circle, and broke down the speculation; which, if it had continued another year unchecked, would have transferred most of the public lands worth having from the Government to those whom the banks might choose to designate. It did more: it saved the large amount which was withdrawn from the banks, and safely deposited with the States, much of which, without it, must necessarily have been lost.

But we are told that the withdrawal of the funds from the banks was the cause of the suspension of specie payment. That the manner in which it was done accelerated that event, he did not doubt; but it was idle and preposterous to suppose that the suspension would not have taken place without it. The approximate

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cause of that was the indebtedness of the banks beyond their means of payment; and the withdrawal of the deposits so far from contributing to its increase, was the most effectual measure that could be devised to arrest its further progress.

But we are also told that it is the cause of the present embarrassment of the Treasury, and that if we could command the deposits with the States, we should have ample means. That is true; but he did not regard it an evil. It is, on the contrary, a great good, and one intended by the passage of the act. In the midst of the vast profusion of means, which the now expiring protective tariff poured into the Treasury, the Government had lost all conception of economy and accountability.

He foresaw the evil, and recommended, some years since, in a report on Executive patronage, the measure now complained of, as the only effectual remedy for the great and growing danger. He then saw clearly that nothing could reach the evil, but the withdrawal of the surplus revenue, which could only be effected by placing it in the custody of the States. This the deposit act did, and its operation now begins to tell. The Government can no longer indulge in boundless extravagance. It must economize.

Among those who had resisted extravagant appropriations, he had constantly stood; and he now gave notice, that he would support no party that did not make economy and accountability a leading article in their creed and practice. They were essential to the preservation of free institutions. He regarded fifteen millions annually as ample for the support of the Government, under ordinary circumstances. He believed, indeed, that it might be well administered for three millions less, allowing for the navy five or six millions annually. Mr. Monroe's administration, which was charged with extravagance, did not average more than ten, deducting the payment on the national debt, although the pensions then were nearly as great as at present.

Mr. C. said that his colleague had made an objection against the constitutionality of this bill, which he deemed proper to notice. It was a rule with him, where the constitution is supposed to be involved, to bestow his serious consideration before he acted; and, if he saw reasons to doubt, not to give his assent. He had complied with the rule in this case, and the result was a clear conviction that the bill was constitutional. The right had been exercised from the commencement of the Government, without being before questioned; and, according to his conception, came within the powers expressly granted to Congress to borrow money, which meant neither more nor less than to raise supplies on the public credit. Interest was not essential to borrowing; and it would be ridiculous to suppose that the framers of the constitution intended to authorize the raising of supplies with interest, and to prohibit it

without it. He denied that Treasury notes were bills of credit in any proper sense of those terms. They were intended to raise supplies to meet a temporary deficit in the Treasury, and were, in fact, nothing more than means of anticipating the revenue.

His colleague is the strenuous advocate of the joint resolution of 1816, which authorizes the collection of the public dues in the notes of the specie-paying banks, and has no scruples as to the right of collecting in the notes of banks that do not pay specie. Now, no one will deny that to authorize the receipt of bank notes in the dues of the Government, is virtually to endorse on each note that it shall be received in the public dues; or that, if the Government had the right to do the one, it had the right to do the other. Nor will it be denied, that if the Government has the right to write on the back of a bank note, that it will be received in the public dues, it has an equal right to write the same on a blank piece of paper, or, which is the same thing, to make a Treasury note. The truth is, that to authorize bank notes to be received in the public dues, is neither more nor less than to make them, to that extent, Treasury notes, and is, *pro tanto*, as much the making and issuing such notes as if done on a separate piece of paper.

The bill was ordered to a third reading.

YEAS.—Messrs. Allen, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Trotter, Williams, Wright, and Young—27.

NAYS.—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Preston, Robbins, Spence, Swift, Tallmadge, Webster, and White—18.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 19.

The Hon. LINN BANKS, member elect from the State of Virginia, in the place of Mr. Patton, appeared, was qualified, and took his seat.

TUESDAY, May 29.

North-east Boundary.

The Message of the President of the United States in relation to the claims of the State of Maine for aggressions, &c., committed on her boundary, was taken up on its reference.

Mr. EVANS said: The Message referred to claims of the State of Maine for the reimbursement of expenses incurred by them in relation to the boundary, but that he considered the least important question for consideration. Maine, he said, was averse to the original proposition, which was made on the 30th of April, 1833; and there had been a controversy between the General and State Governments ever since, and they could never agree, but the original proposition has been coupled with a highly objectionable principle of surveying and

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exploration. It went to limit and restrict the commission, and instead of allowing them to examine and run the line according to the treaty, they would be compelled to run a line different from that heretofore contended for. They would be allowed to depart from the true north line, and run a line westward, which would be in effect an abandonment of all the claims made on our part. Maine insisted that the commission should not be restricted by any thing but the terms of the treaty, because it was apparent that the restrictions proposed would all operate for the benefit of Great Britain. The Government of Great Britain proposed that the commission should ascertain a point in the highlands, which divide the waters, and it would inevitably give them the whole territory in dispute, for the commissioners would certainly stop at the only point where they could agree, and that would undoubtedly be a point south of Mars Hill, where they had always been willing the line should run. He went into an examination of the terms of the treaty, and referred to various acts of parliament and proclamations, together with the original charters of the provinces of Massachusetts, Quebec, and Nova Scotia, and contended that the original boundary of Massachusetts, (now Maine,) was upon the river St. Lawrence; and after the act of Parliament in 1784, which, he contended, confirmed and recognized the boundary of Nova Scotia, and referred to the north-west angle of that province as the starting point to run the boundary of Maine, and from that time to this, the angle, as mentioned in the treaty, had been fully recognized, and well known. But he objected to the terms of the commission, that they omitted altogether to take that starting point, and proposed to find another and a different one; and all the evidence contained in charters, treaties, acts of Parliament, and maps, was to be left out of their consideration.

Mr. FAIRFIELD referred to and read several papers to show that the proposition of the American Government would be favorable, and that it was agreed in the conditions that the award of the commission should be final and binding upon the parties; and he thought it would lead to a just and satisfactory award.

Mr. CUSHING went into a protest against the terms proposed for the commission, and said that Great Britain had always declared that they would stop south of the boundary claimed, and would never consent to go farther north than Mars Hill. He considered the American proposition was an entire abandonment of the claims of this country. It was yielding to the false assumption that there were no such highlands as were described in the treaty, which were to be reached by a line running due north from the north-east angle of Nova Scotia. This false assumption had been made by Great Britain, and by consenting to the proposition, our Government would yield the point, because, by consenting to run a line in a different direction to other highlands, it would concede that no

such highlands existed as were mentioned in the treaty. Another objection was that Great Britain had, in the negotiations of 1783, and in 1814, asserted that the United States held all their lands as a grantee, and could hold no territory to which they could not show a title by deed. This ground he was disposed to resist as fatal and false, involving questions of boundary wherever our frontier met with that of Great Britain.

WEDNESDAY, May 30.

Representatives from Mississippi.

Mr. GARLAND, of Louisiana, said he had to announce to the House that the agreeable duty had been confided to him, and no doubt it was extremely agreeable to a large portion of the members of the House, that the people of Mississippi had re-affirmed the election made by themselves in November last, in sending SERGEANT S. PRENTISS and THOMAS J. WORD, as their representatives in the 25th Congress.

MESSRS. PRENTISS and WORD then presented themselves for qualification, and as the SPEAKER was about to administer the oath—

Mr. PRENTISS said, before taking the oath, he wished to state his objections. Though elected by the people of the State of Mississippi, in the election just taken place, he himself did not believe that election to be constitutional or valid. In taking the oath, sir, said he, I shall take it under the previous election, in November last, and not under the recent one, because, in our consciences, we do not believe the latter to be constitutional or valid.

Rescission of the Treasury Specie Order.

Mr. SHIELDS called for the reading of the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for the Secretary of the Treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues accruing to the United States may be paid.

Mr. BOON demanded the previous question; which was seconded, the main question ordered, and the resolution was ordered to a third reading.

Mr. BOON said he would content himself with demanding the previous question.

The House seconded the demand, and the main question, being on the passage of the resolution, having thus been ordered thereon—

The yeas and nays were—

YEAS.—MESSRS. Adams, Alexander, Heman Allen, John W. Allen, Anderson, Ayer, Banks, Beirne, Bell, Bicknell, Biddle, Bond, Boon, Briggs, Brodhead, Bronson, Buchanan, William B. Calhoun, John Calhoun, William B. Campbell, Casey, Chambers, Chapman, Cheatham, Childs, Clark, Connor, Corwin, Craig, Cray, Cranston, Crockett, Cushing, Dawson, Davee, Davies, DeGraff, Dennis, Dunn, Edwards, Evans, Eve-

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Books for Members.

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rett, Ewing, Fairfield, Richard Fletcher, Fillmore, Gallup, James Garland, Rice Garland, Glascock, Goode, William Graham, Grantland, Graves, Griffin, Haley, Hall, Halstead, Hamer, Harlan, Hastings, Hawes, Haynes, Henry, Herod, Hoffman, Hopkins, Howard, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, Kemble, Kilgore, Klingensmith, Legare, Lincoln, Loomis, Mallory, Marvin, James M. Mason, Samson Mason, Martin, Maury, May, Maxwell, Robert McClellan, McKennan, Mercer, Milligan, Mitchell, Montgomery, Morgan, Calvary Morris, Murray, Naylor, Noble, Noyes, Ogle, Owens, Parmenter, Patterson, Peck, Pennybacker, Phelps, Pickens, Pope, Potts, Pratt, John H. Prentiss, Sergeant S. Prentiss, Rariden, Randolph, Reed, Reilly, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sawyer, Sergeant, Sheffer, Augustine H. Shepperd, Charles Shepard, Shields, Slade, Snyder, Stanly, Stuart, Stratton, Taliaferro, Taylor, Tillinghast, Titus, Toland, Underwood, Vanderveer, Webster, Albert S. White, John White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Word, Worthington, Yell, and Yorke—154.

NAYS.—Messrs. Atherton, Bouldin, Cambreleng, Clowney, Coles, Cushman, Dromgoole, Duncan, Farrington, Isaac Fletcher, Fry, Harrison, Holt, Hubley, Keim, Leadbetter, Logan, McKay, Abraham McClellan, McClure, Moore, Parris, Petriken, Rives, Sheplor, Spencer, Thomas, Turney, and Jared W. Williams—29.

IN SENATE.

FRIDAY, JUNE 1.

Iowa Territory—Motion to make the Tenure of Judges during Good Behavior—Rejected because the Constitution does not apply to Territories.

The Senate took up, as the order of the day, the bill to divide the Territory of Wisconsin, and to establish the Territorial government of Iowa.

Mr. CLAY, of Alabama, moved to amend the bill by making the tenure of office of the judges during good behavior, instead of for four years, as in the bill.

Mr. SEVIER opposed the motion, and spoke of the inconvenience of having officers for life, who must be continued in office, no matter how unqualified, unless they could be convicted under an impeachment, which was exceedingly difficult to be done. He thought it the safest practice that the tenure of office for all public servants should be for short periods.

Mr. NORVELL said, that if any defect or inconvenience resulted from the tenure of good behavior, prescribed in this bill as the tenure by which the judges of the territory of Iowa were to hold their offices, the fault was in the Constitution of the United States. The first section of the third article of that instrument provides that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The judges

both of the supreme and inferior courts shall hold their offices during good behavior." The judges of the Territories are the United States judges, appointed by the President and Senate, under the authority of laws of the United States. If they are not United States judges, they must be foreign judges, or no judges at all. In the government of the North-western Territory, the first Territorial government established by the United States, and established in the same year in which the constitution was framed, a provision is found constituting a court of three judges; "and their commissions shall continue in force during good behavior." This may be considered a contemporaneous interpretation of the constitutional provision in relation to the tenure and character of the judicial office in the Territories of the United States. He considered the constitution clear on this subject. While, therefore, he should, if unrestrained by that instrument, be in favor of a term of years, instead of the term for life, he could not consent to vote for the amendment which proposed to limit the tenure of these Iowa judges to four years.

Messrs. ALLEN and MORRIS opposed the motion, contending that the provision in the constitution referred to by the Senator from Michigan, did not apply to the Territories.

The motion of Mr. CLAY, of Alabama, was lost, and after amendments, the bill was ordered to be engrossed for a third reading.

HOUSE OF REPRESENTATIVES.

MONDAY, JUNE 4.

Books for Members.

Mr. CUSHING asked leave to offer the following joint resolution:

Resolved, That the Secretary of State of the United States be authorized and directed to deliver to the Secretary of the Senate, forty copies, and to the Clerk of the House of Representatives, three hundred and sixty copies (in addition to the number he is now authorized to deliver to those officers) of the 1st volume of the 4th series, now published, of the documentary history of the American Revolution, published by Messrs. Clark and Force; and that he deliver a like number of copies to each of those officers, of every succeeding volume of that work, as soon as may be after the same shall have been delivered to him by the publishers.

That the Secretary of the Senate, and Clerk of the House of Representatives be, and they are hereby directed, of the copies so furnished, to distribute one to each member of the Senate and House of Representatives, and to each Territorial delegate of the 23d, 24th, and 25th Congresses, who are not entitled to receive the same under some former act or resolution of Congress.

Objection being made, Mr. C. moved a suspension of the rules; which prevailed—ayes 104, noes not counted.

The resolution was then read twice, and the question being on its engrossment,

Mr. BOND asked for the yeas and nays; but

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the House refused, and the other stage was passed to, and the resolution ordered to be engrossed for a third reading.

THURSDAY, June 7.

Pre-emption Bill.

The Senate "bill to grant pre-emption rights to actual settlers," was taken up.

The CHAIR propounded the question on the first amendment, proposed by the House committee on the public lands, which was to except from the operations of the pre-emption, the Miami reserve in the State of Indiana, acquired by treaty, of which the proclamation was made by the President of the United States on the 22d of December last.

Mr. BOON said the subject under consideration was one of very deep interest to a numerous and most meritorious class of citizens of the new States and Territories.

Mr. GOODE moved to amend the amendment by granting the reserved alternate sections at the price of \$2 50 per acre, on the Miami canal line, in that State, to the State of Ohio, except those sections now settled and improved.

The amendment of the House committee was agreed to.

Mr. MAY moved an amendment to extend the law granting pre-emption rights to any persons who may now, or shall hereafter, have lived twelve months upon the public lands.

By general consent, the bill and various amendments pending, were all ordered to be printed.

IN SENATE.

THURSDAY, June 7.

Florida Indian War, and Cherokee Treaty of 1835.

On motion of Mr WRIGHT, the Senate proceeded to consider the House bill making appropriations for the prevention and suppression of Indian hostilities for 1838, and for the payment of arrearages in 1837.

Mr. LUMPKIN said: I had indulged the hope, and still indulge it, that the Senate would be permitted to act promptly on this appropriation bill, without bringing into its discussion the exciting topics of the Florida and Cherokee treaties, and the Florida war. The service of the country and the character of the Government are at this time suffering for the want of the passage of this bill. Drafts amounting to hundreds of thousands of dollars are at this moment pressed upon the Treasury of the country, and cannot be discharged till we pass this bill. The citizens of the country, who have given full and fair consideration for official and legal drafts on your Treasury, ought not to be delayed in receiving their just dues.

It is, therefore, with extreme reluctance that I feel myself called upon to take some notice of the remarks of the Senator from South Carolina, (Mr. PRESTON.)

The gentleman, with his usual eloquence, has eulogized the savage chief Oseola, apparently forgetful of the many horrid deeds which led to the catastrophe of this extraordinary man. When I hear Oseola eulogized on the floor of this Senate, I can but remember the treachery of this much indulged man to his friend and benefactor, the lamented General Wiley Thompson of Georgia, with whom I was long associated in public life, and who was long a respected member of the other branch of Congress. Yes, this bloodthirsty Oseola, not only murdered General Thompson, but was, and has been, the principal organ of all the horrors of the Florida war, indiscriminately levelled against every age and sex. Sir, if I fail to express my sympathy in strains of equal eloquence with the Senator from South Carolina, for the sufferings of the deserving portion of the native race, I will not yield to the gentleman my claims to feelings as refined, enlarged, and sympathetic for suffering humanity, even when a savage is the victim.

The gentleman has given us a history of his support and defence of the Cherokee treaty of 1835, and has manifested marked zeal in the defence of my State, and a portion of its public functionaries. I thank him kindly for all this voluntary service. But, we find mingled with all this support of the treaty, and zeal to have it faithfully and speedily executed, a spirit and bearing in the remarks of the gentleman, which, to my mind, is calculated to do great injustice to the Administration which made and has sustained this treaty; as well as the friends of the Administration, who have borne the heat and burden of the day, in bringing our Indian relations to their present attitude.

The gentleman reminds me of what I have often seen in the course of a life not now a very short one, that is: persons vociferous in a cause after the victory was achieved, and persons, too, who stood aloof while the battle raged. I will never permit the Senator from South Carolina, uncontested, to step in at this late day, and carry off whatever meed of praise may be due to those who have struggled so long to relieve my beloved State from an Indian population. I truly thank him for all his kind feelings and services to my State, and her citizens, whether private or public men. But all this kindness and zeal for my State and her distinguished citizens, shall not induce me silently to acquiesce in direct or indirect censure, when improperly cast upon me, or the Administration of the Federal Government which I support.

The Cherokee treaty of 1835, after all that has been said to disparage the Government and the Indians who formed it, I repeat, as I have often done before, it is a monument of the magnanimity of the Government on one side, and a standing record of the honesty and pure patriotism of the Cherokees who negotiated it, on the other side.

I was invited, at an early day, to aid as a commissioner in the execution of this treaty, and have been familiar with every important

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transaction since, up to the present day. The Executive Government has uniformly, and at all times, expressed an unwavering determination to carry out and execute the treaty, without infringement or change of its provisions. It has as uniformly, constantly, and sincerely expressed a desire to discharge this duty in a spirit of the utmost kindness and liberality towards the Cherokee people. In all this I have concurred and co-operated with the Government.

But I have uniformly dissented to that part of the policy of the Government which has permitted John Ross and his followers, while constantly protesting against the validity of the treaty, receiving the countenance and courtesy which they have done from the Government. I have uniformly believed, and still believe, that the best and safest way to have executed this treaty would have been, from the first, kindly, but firmly, to have used the imperative language to Ross and his followers—to have said the argument is exhausted in regard to the treaty—*It must be executed*. I believe that no propositions from Ross should ever have been entertained, without being accompanied by a pledge to cease from all opposition to the removal of the Cherokees. But I believe this difference of opinion originated from no difference of object. It was the desire of all to execute the treaty in that manner which might be best for all the parties in interest.

On taking my seat in the Senate, I found Ross and his delegation still here, memorializing Congress, and making propositions to the Executive Government. In the month of March, I found, from information derived from different sources, that the Executive Government here was still urged by gentlemen in high official stations, to the policy of conciliating Ross by increased liberality in money. Amongst others, I will read an extract from a letter of Governor Gilmer of Georgia, to the Secretary of War, dated March 5, 1838. The Governor says: "The best informed persons residing among the Cherokees express the opinion that Ross can, if he will, remove his people at once. To avoid the great expense to the Government, and to preserve the lives and property of our citizens, and the Indians, which may be sacrificed if the treaty is executed by force, the Government can well afford to pay a very liberal price for the voluntary and immediate removal of the Indians. To enable Ross and the chiefs to effect this object, I believe it to be necessary for them first to return home, see their people, and let them be satisfied that their efforts to change the treaty have been honest, though unavailing. The Cherokees are so suspicious of their chiefs, that even Ross, as entirely as he has their confidence, might lose all power to serve them if he attempted to make a contract with the Government, for their emigration, before they were consulted, and their approval of the measure obtained. If the Government should ascertain upon Ross's return

home, that he had the power, and was willing to undertake the removal of his people, the terms of the contract could be agreed upon without difficulty or delay." "If the pertinacity of Ross should create any difficulty, it might be obviated in making no reference in his contract to the treaty."

Very many letters from other persons of high respectability and official standing, to the same purport of Governor Gilmer's, may be found on the files of the War Department. Indeed, I have always myself anticipated mischief growing out of the execution of this treaty, unless the influence of Ross was neutralized by force or purchase. Under this aspect of the subject, and after both branches of Congress had given sufficient evidence of a determination to execute the treaty, regardless of the remonstrances of Ross, and the silly petitions of persons wholly ignorant of the subject upon which they were petitioning, I came to the conclusion that Ross might possibly be in a situation to yield to the true interest of his people, and let them emigrate to the West in peace. And hence my assent was given to the views suggested in the extract of Gov. Gilmer's letter, which I have read. And while I have uniformly protested against any movement which might in the slightest degree retard the removal of the Cherokees, I have, nevertheless, uniformly and freely expressed the opinion, that the moment when all opposition to the treaty by Ross and his party should be yielded up, and a disposition manifested to emigrate with reasonable despatch, from that moment the Indians would be secured from any unreasonable pressure on the part of the people of Georgia.

I am fully apprised of the great excitement which has been produced in my own State, and elsewhere, arising out of the propositions of the Secretary of War to John Ross, lately submitted to Congress. I am not only apprised of the excitement, but of the misapprehension which seems to exist on this subject. I perceive from the newspapers of Georgia and other States, as well as from the letters which I receive from my constituents, that an impression has been made upon the public mind that the Government was desirous, and had proposed, *unnecessarily*, to delay the emigration of the Cherokees for two years. This I know to be an entire misapprehension. The extension proposed to the States by the Government, and that in the most delicate and respectful manner, was never intended to embrace a longer period than that which might be required by a due regard to the common dictates of humanity, it being expressly stated that the Cherokees were to be removed as speedily as was consistent with health and comfort. General Scott is, moreover, instructed to continue the prosecution of the measures he has adopted to remove the Indians, and whether their removal is to be effected by compulsion, or voluntary emigration under their own agents, so to conduct his operations as to place the proprietors of the lands there in posses-

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sion of their property with as little delay as possible. I admit that the propositions made to John Ross, by the Secretary of War, might have been put in a form less liable to misapprehension. But I know positively that the exposition given by the Secretary of War, of his letter to Ross, is perfectly consistent with the views which he expressed to me before making his propositions to Ross. The Secretary had ample grounds to believe that Congress entertained the most liberal feelings towards the Cherokees, and would willingly soothe them, as far as that could reasonably be done, by additional appropriations of money to be applied to their comfort.

The position of the Federal Administration of the Government has, upon this Indian subject, for many years past, been most delicate and peculiar. Especially since the commencement of General Jackson's administration, and his manifested determination to relieve the Southern States from the disadvantages of an Indian population. His untiring vigilance and perseverance on this subject is now a part of the history of the Government. But at every step a most formidable and peculiar opposition has embarrassed the Government in the prosecution of its Indian policy. The Administration has not only had to encounter the combined and regularly organized Opposition, which were known as open and avowed opponents, but many of the friends of the Administration, especially amongst the less informed, have been used as opponents to the Indian policy of the Government. Even in the States most deeply interested, we have sometimes seen the strong feelings of self-interest, waived to accommodate *party spirit and party interest*. At any rate, I have often found the measures of General Jackson and myself, even in Georgia, discountenanced by some of our political opponents, as far as public opinion would tolerate an expression of disapprobation.

I concede to the Governor of Georgia good intentions, in regard to his views and efforts to conciliate John Ross, and have yielded something of my own opinions in order that I might co-operate with his views and wishes, as well as those of the Executive officers of the Federal Government. I shall always do the Chief Magistrate of my State ample justice, whatever political difference of opinion may happen to exist. I do, however, most solemnly protest against the justice of the effort of the Senator from South Carolina to cast censure and blame upon the President and Secretary of War, as well as myself, for yielding something to the plainly expressed wishes of Governor Gilmer and many of his political friends, especially his northern Whig friends. If there be any error in this matter, the sin lies at the door of the opponents of the Administration; and yet the Senator from South Carolina, (Mr. PRESTON,) as the organ of the Southern wing of the Opposition, upbraids the Administration and its friends with throwing weighty responsibilities

upon the Governor of Georgia. I would inquire, what is the great responsibility thrown upon the Governors of the four States interested in this matter, even under the misapprehension indulged that the States had been applied to for two years more time for the emigration of the Cherokees? Why, sir, the only responsibility is, to give an answer in accordance with the known wishes of the whole people over whom they preside. Where is the Governor who need be distressed or embarrassed at such responsibility as this?

Moreover, the Senator from South Carolina (Mr. PRESTON) contends and urges that the proposals of the Secretary of War to John Ross amounts to a new treaty, and to an infringement of the treaty of 1835. I am not able myself to put any such construction on the proposals of the Secretary. The Secretary, in his proposals to Ross, in the very first sentence, disclaims all right on the part of the Federal Government to enter into any treaty stipulations which might affect the rights of the States. And we find a reiteration of the same sentiments, and sacred regard to the rights of the States, throughout the document under consideration.

That temporary mischief has grown out of the misapprehensions which have spread over the country in relation to this subject, I am fully aware. But, from the nature of things, I trust that the excitement will soon abate. The constant and daily movements and operations of the Government must surely correct, without delay, any mistaken impressions which may have existed. The Government is moving forward in the discharge of its duty. General Scott's instructions remain unchanged. His character is a sufficient guarantee that his duty will be discharged with fidelity and ability.

In conclusion, I would beg leave to request the Senator from South Carolina, (Mr. PRESTON,) to be assured of my fidelity to my constituents, especially upon this Indian subject. I can assure the honorable Senator, that he is wholly mistaken, if he supposes that the bearing of his remarks will ever induce the Southern wing of his own party to believe that I have no more *self-love* than to give a victory to my opponents, which has been achieved by my friends and myself.

Mr. LUMPKIN was followed by Messrs. CLAY, of Alabama, STRANGE, SOUTHWARD, and WHITE, when the bill was ordered to be engrossed by a unanimous vote, and was about to pass by unanimous consent, when Mr. HUBBARD stated that Mr. BENTON had expressed to him a desire to address the Senate on its third reading.

FRIDAY, JUNE 8.

Florida Indian War Bill.

The question being on the third reading of the bill—

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Border Outrages—Canada and the United States Frontier.

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Mr. BENTON said, that so far as the passage of the act was concerned, there was no necessity for him to say a word. The gentlemen who had spoken against it would all vote for it; and it was to answer things said in their speeches, and not to gain votes, that he now felt himself called upon to speak.

A Senator from New Jersey (Mr. SOUTHARD) has expressly charged that a fraud was committed upon the Florida Indians in the treaty negotiated with them for their removal to the West; that the war which has ensued was the consequence of this fraud; and that our Government was responsible to the moral sense of the community, and of the world, for all the blood that has been shed, and for all the money that has been expended, in the prosecution of this war. This is a heavy accusation. At home, it attaches to the party in power, and is calculated to make them odious; abroad, it attaches to the country, and is calculated to blacken the national character.

The Senator from New Jersey first located this imputed fraud in the Payne's Landing treaty, negotiated by General Gadsden, in Florida, in the year 1832; and after being tendered an issue on the fairness and generosity of that treaty by the Senator from Alabama, (Mr. CLAY,) he transferred the charge to the Fort Gibson treaty, made in Arkansas, in the year 1833, by Messrs. Stokes, Ellsworth, and Schermerhorn. This was a considerable change of locality, but no change in the accusation itself; the two treaties being but one, and the last being a literal performance of a stipulation contained in the first. The Seminole Indians in Florida being an emigrant band of the Creeks, and finding game exhausted, subsistence difficult, and white settlers approaching, concluded to follow the mother tribe, the Creeks, to the West of the Mississippi, and to reunite with them. This was conditionally agreed to be done at the Payne's Landing treaty; and in that treaty it was stipulated that a deputation of Seminole chiefs, under the sanction of the Government of the United States, should proceed to the Creek country beyond the Mississippi—there to ascertain first whether a suitable country could be obtained for them there; and secondly, whether the Creeks would receive them back as a part of their confederacy: and if the deputation should be satisfied on these two points, then the conditional obligation to remove, contained in the Payne's Landing treaty, to become binding and obligatory upon the Seminole tribe. The deputation went; the two points were solved in the affirmative; the obligation to remove became absolute on the part of the Indians; and the Government of the United States commenced preparations for effecting their easy, gradual, and comfortable removal. The entire emigration was to be completed in three years, one-third going annually, commencing in the year 1833, and to be finished in the years 1834 and 1835. The deputation sent to the west of the Mississippi, com-

pleted their agreement with the Creeks on the 28th of March, 1833; they returned home immediately, and one-third of the tribe was to remove that year. Every thing was got ready on the part of the United States, both to transport the Indians to their new homes, and to subsist them for a year after their arrival there. But, instead of removing, the Indians began to invent excuses and to interpose delays, and to pass off the time without commencing the emigration. The year 1833, in which one-third of the tribe were to remove, passed off without any removal; the year 1834, in which another third was to go, was passed off in the same manner; the year 1835, in which the emigration was to have been completed, passed away, and the emigration was not begun. On the contrary, on the last days of the last month of that year, while the United States was still peaceably urging the removal, an accumulation of treacherous and horrible assassinations and massacres were committed. The United States Agent, General Thompson, Lieutenant Smith, of the artillery, and five others, were assassinated in sight of Fort King; two expresses were murdered; and Major Dade's command was massacred. In their excuses and pretexts for not removing, the Indians never thought of the reasons which have been supplied to them on this floor. They never thought of alleging fraud. Their pretexts were frivolous; as that it was a long distance, and that bad Indians lived in that country, and that the old treaty of Fort Moultrie allowed them twenty years to live in Florida. Their real motive was the desire of blood and pillage on the part of many Indians, and still more on the part of the five hundred runaway negroes mixed up among them.

This is the plain and brief narrative of the causes which led to the Seminole war; it is the brief historical view of the case; and if I was speaking under ordinary circumstances, and in reply to incidental remarks, I should content myself with this narrative, and let the question go to the country upon the strength and credit of this statement. But I do not speak under ordinary circumstances; I am not replying to incidental and casual remarks. I speak in answer to a formal accusation, preferred on this floor; I speak to defend the late and present Administrations from an odious charge, and, in defending them, to vindicate the character of our country from the accusation of the Senator from New Jersey, (Mr. SOUTHARD.) Mr. BENTON then proceeded at much length to defend the last and the present Administrations from the charge stated.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, JUNE 20.

Message from the President—Border Outrages—Canada and the United States Frontier.

The SPEAKER laid before the House the following Message:

To the House of Representatives of the United States:

I transmit, in compliance with a resolution of the House of Representatives of the 11th inst., reports from the Secretary of State, Treasury, and War, and the documents referred to by them respectively. It will be seen that the outrages committed on the steamboat *Sir Robert Peel*, under the British flag, within the waters of the United States, and upon the steamboat *Telegraph*, under the American flag, at Rockville, in Upper Canada, have not been followed by any demand of either Government on the other for redress. These acts have been so far treated on each side as criminal offences, committed within the jurisdiction of tribunals competent to inquire into the facts, and to punish the persons concerned in them. Investigations have been made, some of the individuals inculpated have been arrested, and prosecutions are in progress, the result of which cannot be doubted. The excited state of public feeling on the borders of Canada, on both sides of the line, has occasioned the most painful anxiety to this Government. Every effort has been, and will be, made to prevent the success of the design apparently formed, and in course of execution by Canadians who have found a refuge within our territory, aided by a few reckless persons of our own country, to involve the nation in a war with a neighboring and friendly power. Such design cannot succeed when the two Governments appreciate, and confidently rely upon the good faith of each other in the performance of their respective duties. With a fixed determination to use all the means in my power to put a speedy and satisfactory termination to these border troubles, I have the most confident assurances of the cordial co-operation of the British authorities at home and in the North American possessions, in the accomplishment of a purpose so sincerely and earnestly desired by the Governments and people, both of the United States and Great Britain.

M. VAN BUREN.

WASHINGTON, June 20, 1838.

The Message and reports were referred to the Committee on Military Affairs, and ordered to be printed.

IN SENATE.

WEDNESDAY, June 20.

Louisiana Land Claims and Titles.

Mr. MOUTON moved that the bills relating to private and public land claims, be considered on Friday; many of which, he said, it was right should be acted on at once.

Mr. KNIGHT did not know what there was in these bills to entitle them to preference.

Mr. MOUTON would not have asked to have taken them up, were he not convinced that they would not consume the time of the Senate. The most of them were very plain cases, not involving any principle likely to lead to discussion; but, at the same time, were highly interesting to a large portion of the community.

Mr. BENTON would inform the Senate that it was not a private bill which the Senator from Louisiana asked to be considered on Friday, but a whole class of bills, some of which had been before the country for the last thirty-four years

in one shape or other; and he desired to have them taken up on that day.

The motion was agreed to.

Abolishment of Imprisonment for Debt.

Mr. GRUNDY said there was a bill laid on the table yesterday, at the suggestion of the Senator from Kentucky, in relation to the abolishment of imprisonment for debt in certain cases. He was favorable to the bill, and said that if it were to be passed this session it could not be acted on too speedily; and he moved to take it up.

The question was on the amendment, viz: making the matter correspond with those States where the said abolition of imprisonment had in whole or in part been abolished.

The amendment was adopted.

The bill was further amended at the suggestion of Mr. PRENTISS, and passed by—

YEAS.—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, McKean, Merrick, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Strange, Swift, Tallmadge, Tipton, Wall, White, Williams, and Wright—36.

NAYS.—Messrs. Bayard, Clayton, Preston, and Roane—4.

North-eastern Boundary.

The Senate resumed the consideration of Mr. WILLIAMS's motion for leave to bring in a bill to provide for the survey and determination of the North-eastern boundary.

Mr. WRIGHT moved to refer it to the Committee on Foreign Relations.

Mr. WILLIAMS said that, considering the importance of the question to Maine, and that her Senators and Representatives were requested by her Legislature to urge the passage of the bill, he felt it to be his duty to move its reference to a Select Committee. Mr. W. did this without intending the least disrespect to the Committee on Foreign Relations, to which the Senator from New York had proposed the reference, and to which, under other circumstances, there would be an obvious propriety in committing the bill. But it could not have escaped the notice of the Senate that the chairman of the Committee on Foreign Relations, in the course of the debate, had stated his opinion, that if the bill should go to that committee it would probably keep it without making a report, or report it back to the Senate with notice that he would move its indefinite postponement.

Messrs. WRIGHT, RIVES, CALHOUN, and BUCHANAN, advocated its reference to the Committee on Foreign Relations, on the ground that it involved questions of high import in regard to our foreign relations.

The bill was referred to the Committee on Foreign Relations.

2D Sess.]

Texas Annexation—Right of Slaves to Petition Congress.

[JUNE, 1838.]

FRIDAY, June 22.

Washington Monument Society.

Mr. NORVELL presented the memorial of the officers and managers of the Washington Monument Association in relation to the receipts and expenditures of that association; and moved that it be printed.

Mr. MORRIS called for the reading of the paper; and the Secretary having read a portion of it,

Mr. KING moved to lay it on the table, there being several expressions in it which he thought disrespectful, and ought not to be read to the Senate.

Mr. NORVELL hoped that his friend from Alabama would, for a moment, withdraw his motion to lay the memorial on the table. This paper proceeded from as respectable a body of gentlemen as any in the country; and he did think that, as they considered themselves to have been injuriously assailed on this floor, they should have an opportunity to be heard. It was true that they had used strong language; but this, under the circumstances, was natural. Let the memorial be read, and then the Senate might take what course they thought proper, as regarded the further disposition of it. By the statement of moneys collected, it appeared that the society had received only between 27,000 and 28,000 dollars, of which they had invested upwards of \$27,000, principally, he believed, in Pennsylvania State stocks. Between four and five hundred remained uninvested. Except what had been allowed to collectors in the different States, as commissions for moneys obtained from subscribers by them, very little had been expended, as the statement would show. He was authorized to say, too, that the books, with the names of all the contributors to the monument, are in the hands of the Treasurer of the Association, open to the inspection of all.

Mr. KING did not perceive that the subject of the memorial was a matter with which the Senate had any thing to do, and that no action of the Senate could result from it; and secondly, he objected to the further reading of it, because it contained expressions, applied to the Senators or the Senate, which ought not to be permitted to be read there.

Mr. PRESTON, who just then entered the chamber, remarked, that the memorial was from very respectable persons, who conceived themselves injured by something that transpired on this floor. If it was a question of reception, he must hear the paper read before he could vote on it.

Mr. KING said there was no question of reception raised. The paper was received. His motion was to lay it on the table; and if the honorable gentleman wished to know whether it was respectful or not, he could easily read it at the Secretary's table. He had objected to the reading, because the paper spoke disrespectfully of members of that body.

Mr. SEVIER observed that this day was set apart for the consideration of private land claims; and he hoped it would not be consumed as yesterday was in debate.* The matter complained of by these individuals had been published in the public newspapers, and he presumed the editors would have no objection to insert their reply. It was a matter with which the Senate had nothing to do, and he, therefore, moved to lay it on the table.

This motion was carried.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 23.

Texas Annexation—Right of Slaves to petition Congress—Call to order by the Speaker—Appeal from the Speaker—Speaker sustained by the House.

Mr. ADAMS proceeded in his remarks on the report of the Committee on Foreign Affairs, in relation to the annexation of Texas; and was referring to the right of slaves to petition, and the proceedings in the House last Congress upon his tendering a petition of that character, stating that he should have no hesitation in presenting a petition from a slave, if his memorial was properly couched, and on a proper subject, or something to this effect.

The SPEAKER called Mr. A. to order, saying that his remarks were irrelevant to the subject under consideration.

Mr. ADAMS was putting an extreme case, by way of illustration, which was in order.

The SPEAKER again reminded Mr. A. that he was out of order.

Mr. LEGARE said he felt compelled to call the gentleman from Massachusetts to order; and cries of order were heard in various parts of the House.

Mr. ADAMS called upon the SPEAKER to reduce the disorderly words to writing, and appealed from the decision of the CHAIR.

The SPEAKER said the CHAIR could not be called upon to reduce remarks made out of order to writing. It had never been known, either by any rule, or by parliamentary usage.

Several members referred to the twenty-third rule of the House, which requires that disorderly words shall be reduced to writing.

The SPEAKER said he was perfectly aware of that rule, and it applied to cases where one member called another to order for disorderly or personal remarks, and not to the SPEAKER, when he called a member to order for irrelevant remarks, for the rule says the SPEAKER shall call members to order, and makes it imperatively his duty.

Mr. ADAMS called for the reading of the rule.

The SPEAKER read the rule requiring that a member "shall confine himself to the question under debate," and said he had called the gentleman from Massachusetts to order for irrelevancy in debate. As he was about to put the

question on the appeal from the decision of the Chair,

Mr. ADAMS again insisted upon having the words reduced to writing.

Cries of "order!" "order!"

The SPEAKER directed Mr. ADAMS to take his seat.

Mr. ADAMS continued to hold the floor, and persisted in demanding that the words should be reduced to writing, and said he would then appeal, but he would not appeal from the decision in the form in which the SPEAKER had put it.

The SPEAKER then put the question upon the appeal; and the decision of the CHAIR was sustained.

YEAS.—Messrs. John W. Allen, Anderson, Andrews, Atherton, Ayerigg, Banks, Beatty, Birdsall, Boon, Brodhead, Bronson, Buchanan, Cambreleng, John Campbell, Casey, Chapman, Cheatham, Clowney, Connor, Craig, Crary, Crockett, Cushman, Davee, Deberry, DeGraff, Dennis, Dromgoole, Edwards, Elmore, Farrington, Fairfield, Fry, Glascock, Grantland, Grant, Gray, Haley, Hamer, Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Wm. H. Hunter, Ingham, Thomas B. Jackson, Jenifer, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, Martin, Maury, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Noble, Parker, Parris, Paynter, Pearce, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, J. H. Prentiss, Randolph, Reily, Rencher, Rives, Rumsey, Charles Shepard, Shields, Sheplor, Snyder, Southgate, Steuart, Stratton, Taliaferro, Taylor, Titus, Toucey, Turney, Vail, Vanderveer, John White, Thomas T. Whittlesey, Sherrod Williams, Jared W. Williams, Word, Worthington, Yell, and Yorke—115.

NAYS.—Messrs. Adams, Borden, Briggs, William B. Calhoun, Carter, Corwin, Cranston, Cushing, Darlington, Davies, Evans, Everett, Ewing, R. Fletcher, Fillmore, Goode, Grennell, Halstead, Hastings, Henry, Lincoln, Samson Mason, McKennan, Mitchell, Naylor, Ogle, Patterson, Peck, Potts, Reed, Ridgway, Robinson, Slade, Stanly, Tillinghast, and Elisha Whittlesey—36.

IN SENATE.

WEDNESDAY, July 4.

North-eastern Boundary.

Mr. BUCHANAN, from the Committee on Foreign Relations, presented a report, in which they unanimously recommend to the Senate the adoption of the following resolutions:

Resolved, That after a careful examination and deliberate consideration of the whole controversy between the United States and Great Britain relative to the North-eastern boundary of the former, the Senate does not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of seventeen hundred and eighty-three; and entertain a perfect conviction of the

justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers.

Resolved, further, That, considering that more than half a century has elapsed since the conclusion of that treaty; considering the extraordinary delay which has hitherto marked the negotiations and proceedings of the Governments of the two countries, in their endeavor amicably to settle the controversy, and considering the danger of mutual irritation and collisions upon the border of kindred and friendly nations from further procrastination, the Senate cannot forbear to express an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute be made as early as practicable.

Resolved, That, as it would be inexpedient for the United States to proceed, upon their separate authority, to survey, and mark the North-eastern boundary, until all reasonable means of effecting that object by the consent and concurrence of both parties shall have been exhausted, the "bill to provide for surveying the North-eastern boundary line of the United States according to the treaty of seventeen hundred and eighty-three" ought not to pass; and it is therefore ordered that it be laid upon the table.

Mr. CLAY, of Kentucky, had been very anxious that the report should be read and weighed with all the attention and consideration belonging to so grave and important a subject; the question had been most deliberately and carefully examined in the committee; the report, which was the work of the Chairman, was prepared with very great ability; that much labor had been devoted to it, in the short space that had been allowed, and which was the more creditable to its author, amid his other various and pressing duties; and that it was well calculated to advance his high character before the country.

Mr. TALLMADGE concurred entirely with the Senator from Kentucky as to the talent and ability with which it was drawn up, and the manner in which it presented the great question. If, unhappily, at any time hereafter any collision should arise between the two countries, which he hoped most sincerely would be avoided, it was very important, in his view, that the people of the country should understand the merits of the controversy. They were set forth in that report in a condensed, and, at the same time, sufficiently complete and ample manner to enable them fully to comprehend and understand it. The report ought, therefore, to be widely and extensively circulated. He should, therefore, move for the printing of an extra number of copies, the largest that should be thought proper; and he therefore moved for the printing of 10,000 extra copies; which, afterwards, at the suggestion of Mr. WILLIAMS, supported by other gentlemen, he increased to 20,000.

[This session of Congress was concluded by joint resolution on Monday, July 9, 1838.]

TWENTY-FIFTH CONGRESS.—THIRD SESSION.

PROCEEDINGS AND DEBATES

IN THE

SENATE AND HOUSE OF REPRESENTATIVES.

IN SENATE.

MONDAY, December 3, 1838.

At 12 o'clock, the Senate was called to order by the Hon. W. R. KING, of Alabama, President *pro tempore*.

The CHAIR presented the credentials of the Hon. EPHRAIM H. FOSTER, appointed by the Governor of the State of Tennessee a Senator from that State, to supply the vacancy occasioned by the resignation of the Hon. FELIX GRUNDY.

The usual oath was then administered to Mr. FOSTER by the President, and he took his seat in the Senate.

On motion by Mr. MORRIS,

Ordered, That the Secretary of the Senate inform the House of Representatives that a quorum of the Senate had assembled, and were ready to proceed to business.

On motion by Mr. WRIGHT,

Resolved, That a committee be appointed to join such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and inform him that quorums of the two Houses had assembled, and were ready to receive any communications he might make; whereupon,

Messrs. WRIGHT and ALLEN were appointed the committee on the part of the Senate by the President.

HOUSE OF REPRESENTATIVES.

MONDAY, December 3.

This being the day set apart by the Constitution of the United States for the annual meeting of Congress, the Speaker, Mr. POLK, called the House to order at 12 o'clock, M.

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The following gentlemen appeared, were qualified, and took their seats:

MESSRS. BEERS and PUTNAM of New York, GIDDINGS and SWEARINGEN of Ohio, and CRABB of Alabama.

Wisconsin Election.

Mr. CRARY, of Michigan, announced to the Chair that the Hon. J. W. DORY was in attendance as a delegate from the Territory of Wisconsin, and moved that he be qualified.

Mr. JONES, of Wisconsin, then rose and protested against the right of Mr. DORY to take his seat in violation of Mr. J.'s rights as the sitting member, no vacancy having occurred, and he having never resigned.

The CHAIR said that it was a question for the House to take its order upon.

Mr. CRARY produced the certificate of Mr. DORY's election from Governor Dodge; which was read.

Mr. McKEIM moved to lay Mr. CRARY's motion on the table, but,

On motion of Mr. MERCER, the further consideration of the subject was postponed till Thursday next.

Election of Clerk.

The CHAIR laid before the House a letter from the Chief Clerk, notifying the House of the death of Col. WALTER S. FRANKLIN, late Clerk to the House of Representatives, which was read.

Mr. PETRIKIN then submitted a resolution, authorizing the present Assistant Clerk to act as Clerk of the House until the vacancy occasioned by the death of Mr. FRANKLIN should be filled.

Mr. MILLIGAN moved to amend by substituting a resolution for the House to proceed forthwith to elect a Clerk.

Mr. DROMGOOLE moved an amendment so as to provide that the election should be *viva voce*.

Mr. MILLIGAN inquired if this motion was in order.

The CHAIR ruled it to be so.

Mr. DROMGOOLE called for the yeas and nays, which being ordered, were—yeas 119, nays 91.

So the amendment to the amendment was agreed to; and the question recurring on the latter as amended.

So the House determined to proceed with the election of a Clerk forthwith, *viva voce*, and HUGH A. GARLAND, of Virginia, having received, on the third ballot, a majority of all the votes, was declared duly elected for the remainder of the present Congress.

IN SENATE.

TUESDAY, December 4.

Mr. CLAY, of Alabama, appeared in his place.

A message was received from the House of Representatives by Mr. GARLAND, their Clerk, stating that the House was organized and ready to proceed to business.

President's Message.

Mr. WRIGHT, from the Joint Committee appointed to wait on the President of the United States and inform him that quorums of the two Houses of Congress had assembled, and were ready to receive any communication he might make, reported that they had performed the duty assigned them.

A Message was then received from the President of the United States by MARTIN VAN BUREN, jr., his Private Secretary, as follows :

Fellow-citizens of the Senate

and House of Representatives :

I congratulate you on the favorable circumstances in the condition of our country, under which you reassemble for the performance of your official duties. Though the anticipations of an abundant harvest have not everywhere been realized, yet, on the whole, the labors of the husbandman are rewarded with a bountiful return; industry prospers in its various channels of business and enterprise; general health again prevails through our vast diversity of climate; nothing threatens, from abroad, the continuance of external peace; nor has any thing at home impaired the strength of those fraternal and domestic ties which constitute the only guarantee to the success and permanency of our happy Union, and which, formed in the hour of peril, have hitherto been honorably sustained through every vicissitude in our national affairs. These blessings, which evince the care and beneficence of Providence, call for our devout and fervent gratitude.

We have not less reason to be grateful for other bounties bestowed by the same munificent hand, and more exclusively our own.

The present year closes the first half century of our Federal institutions; and our system—differing from all others in the acknowledged, practical, and unlimited operation which it has for so long a period

given to the sovereignty of the people—has now been fully tested by experience.

The constitution devised by our forefathers as the framework and bond of that system, then untried, has become a settled form of Government; not only preserving and protecting the great principles upon which it was founded, but wonderfully promoting individual happiness and private interests. Though subject to change and entire revocation, whenever deemed inadequate to all these purposes, yet such is the wisdom of its construction, and so stable has been the public sentiment, that it remains unaltered, except in matters of detail, comparatively unimportant. It has proved amply sufficient for the various emergencies incident to our condition as a nation. A formidable foreign war; agitating collisions between domestic, and, in some respects, rival sovereignties; temptations to interfere in the intestine commotions of neighboring countries; the dangerous influences that arise in periods of excessive prosperity; and the anti-republican tendencies of associated wealth—these, with other trials not less formidable, have all been encountered, and thus far successfully resisted.

It was reserved for the American Union to test the advantages of a Government entirely dependent on the continual exercise of the popular will; and our experience has shown that it is as beneficent in practice as it is just in theory. Each successive change made in our local institutions has contributed to extend the right of suffrage, has increased the direct influence of the mass of the community, given greater freedom to individual exertion, and restricted, more and more, the powers of Government; yet the intelligence, prudence, and patriotism of the people have kept pace with this augmented responsibility. In no country has education been so widely diffused. Domestic peace has nowhere so largely reigned. The close bonds of social intercourse have in no instance prevailed with such harmony over a space so vast. All forms of religion have united, for the first time, to diffuse charity and piety, because, for the first time in the history of nations, all have been totally untrammelled, and absolutely free. The deepest recesses of the wilderness have been penetrated; yet, instead of the rudeness in the social condition consequent upon such adventures elsewhere, numerous communities have sprung up, already unrivalled in prosperity, general intelligence, internal tranquility, and the wisdom of their political institutions. Internal improvement, the fruit of individual enterprise, fostered by the protection of the States, has added new links to the confederation, and fresh rewards to provident industry. Doubtful questions of domestic policy have been quietly settled by mutual forbearance; and agriculture, commerce, and manufactures, minister to each other. Taxation and public debt, the burdens which bear so heavily upon all other countries, have pressed with comparative lightness upon us. Without one entangling alliance, our friendship is prized by every nation; and the rights of our citizens are everywhere respected, because they are known to be guarded by a united, sensitive, and watchful people.

To this practical operation of our institutions, so evident and successful, we owe that increased attachment to them which is among the most cheering exhibitions of popular sentiment, and will prove

2d Sess.]

The President's Message.

[DECEMBER, 1838.]

their best security, in time to come, against foreign or domestic assault.

This review of the results of our institutions, for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they have sprung; constant and direct supervision by the people over every public measure; strict forbearance on the part of the Government from exercising any doubtful or disputed powers; and a cautious abstinence from all interference with concerns which properly belong, and are best left to State regulations and individual enterprise.

Full information of the state of our foreign affairs having been recently, on different occasions, submitted to Congress, I deem it necessary now to bring to your notice only such events as have subsequently occurred, or are of such importance as to require particular attention.

The most amicable dispositions continue to be exhibited by all the nations with whom the Government and citizens of the United States have an habitual intercourse. At the date of my last annual message, Mexico was the only nation which could not be included in so gratifying a reference to our foreign relations.

I am happy to be now able to inform you that an advance has been made towards the adjustment of our difficulties with that Republic, and the restoration of the customary good feeling between the two nations. This important change has been effected by conciliatory negotiations, that have resulted in the conclusion of a treaty between the two Governments, which, when ratified, will refer to the arbitrament of a friendly power all the subjects of controversy between us growing out of injuries to individuals. There is, at present, also, reason to believe that an equitable settlement of all disputed points will be attained without further difficulty or unnecessary delay, and thus authorize the free resumption of diplomatic intercourse with our sister Republic.

With respect to the north-eastern boundary of the United States, no official correspondence between this Government and that of Great Britain has passed since that communicated to Congress towards the close of their last session. The offer to negotiate a convention for the appointment of a joint commission of survey and exploration, I am, however, assured will be met by her Majesty's Government in a conciliatory and friendly spirit, and instructions to enable the British Minister here to conclude such an arrangement will be transmitted to him without needless delay. It is hoped and expected that these instructions will be of a liberal character, and that this negotiation, if successful, will prove to be an important step towards the satisfactory and final adjustment of the controversy.

I had hoped that the respect for the laws and regard for the peace and honor of their own country, which has ever characterized the citizens of the United States, would have prevented any portion of them from using any means to promote insurrection in the territory of a power with which we are at peace, and with which the United States are desirous of maintaining the most friendly relations. I regret deeply, however, to be obliged to inform you that this has not been the case. Information has been given to me, derived from official and other sources, that many citizens of the United

States have associated together to make hostile incursions from our territory into Canada, and to aid and abet insurrection there, in violation of the obligations and laws of the United States, and in open disregard of their own duties as citizens. This information has been in part confirmed, by a hostile invasion actually made by citizens of the United States, in conjunction with Canadians and others, and accompanied by a forcible seizure of the property of our citizens, and an application thereof to the prosecution of military operations against the authorities and people of Canada.

The results of these criminal assaults upon the peace and order of a neighboring country, have been, as was to be expected, fatally destructive to the misguided or deluded persons engaged in them, and highly injurious to those in whose behalf they are professed to have been undertaken. The authorities in Canada, from intelligence received of such intended movements among our citizens, have felt themselves obliged to take precautionary measures against them; have actually embodied the militia, and assumed an attitude to repel the invasion to which they believed the colonies were exposed from the United States. A state of feeling on both sides of the frontier has thus been produced, which called for prompt and vigorous interference. If an insurrection existed in Canada, the amicable dispositions of the United States towards Great Britain, as well as their duty to themselves, would lead them to maintain a strict neutrality, and to restrain their citizens from all violations of the laws which have been passed for its enforcement. But this Government recognizes a still higher obligation to repress all attempts on the part of its citizens to disturb the peace of a country where order prevails, or has been re-established. Depredations by our citizens upon nations at peace with the United States, or combinations for committing them, have at all times been regarded by the American Government and people with the greatest abhorrence. Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to effect a change in its government, or under any pretext whatever, have, from the commencement of our Government, been held equally criminal on the part of those engaged in them, and as much deserving of punishment, as would be the disturbance of the public peace by the perpetration of similar acts within our own territory.

By no country or persons have these invaluable principles of international law—principles, the strict observance of which is so indispensable to the preservation of social order in the world—been more earnestly cherished or sacredly respected than by those great and good men who first declared, and finally established, the independence of our own country. They promulgated and maintained them at an early and critical period in our history; they were subsequently embodied in legislative enactments of a highly penal character, the faithful enforcement of which has hitherto been, and will, I trust, always continue to be, regarded as a duty inseparably associated with the maintenance of our national honor. That the people of the United States should feel an interest in the spread of political institutions as free as they regard their own to be, is natural; nor can a sincere solicitude for the success of all those who are, at any time, in good faith struggling for their acquisition, be im-

puted to our citizens as a crime. With the entire freedom of opinion, and an undisguised expression thereof, on their part, the Government has neither the right, nor, I trust, the disposition to interfere. But whether the interest or the honor of the United States require that they should be made a party to any such struggle, and, by inevitable consequence, to the war which is waged in its support, is a question which, by our constitution, is wisely left to Congress alone to decide. It is, by the laws, already made criminal in our citizens to embarrass or anticipate that decision, by unauthorized military operations on their part. Offences of this character, in addition to their criminality as violations of the laws of our country, have a direct tendency to draw down upon our own citizens at large the multiplied evils of a foreign war, and expose to injurious imputations the good faith and honor of the country. As such they deserve to be put down with promptitude and decision. I cannot be mistaken. I am confident, in counting on the cordial and general concurrence of our fellow-citizens in this sentiment. A copy of the proclamation which I have felt it my duty to issue, is herewith communicated. I cannot but hope that the good sense and patriotism, the regard for the honor and reputation of their country, the respect for the laws which they have themselves enacted for their own government, and the love of order for which the mass of our people have been so long and so justly distinguished, will deter the comparatively few who are engaged in them from a further prosecution of such desperate enterprises. In the mean time, the existing laws have been, and will continue to be, faithfully executed; and every effort will be made to carry them out in their full extent. Whether they are sufficient or not, to meet the actual state of things on the Canadian frontier, it is for Congress to decide.

It will appear from the correspondence herewith submitted, that the Government of Russia declines a renewal of the fourth article of the convention of April, 1824, between the United States and his Imperial Majesty, by the third article of which it is agreed that "hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, to the north of 54° 40' of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel;" and by the fourth article, "that, during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." The reasons assigned for declining to renew the provisions of this article, are, briefly, that the only use made by our citizens of the privilege it secures to them, has been to supply the Indians with spirituous liquors, ammunition, and fire-arms; that this traffic has been excluded from the Russian trade; and as the supplies furnished from the United States are injurious to the Russian establishments on the north-west coast, and calculated to produce complaints between the two Governments, his Imperial Majesty thinks it for the

interest of both countries not to accede to the proposition made by the American Government for the renewal of the article last referred to.

The correspondence herewith communicated will show the grounds upon which we contend that the citizens of the United States have, independent of the provisions of the convention of 1824, a right to trade with the natives upon the coast in question, at unoccupied places, liable, however, it is admitted, to be at any time extinguished by the creation of Russian establishments at such points. This right is denied by the Russian Government, which asserts that, by the operation of the treaty of 1824, each party agreed to waive the general right to land on the vacant coasts on the respective sides of the degree of latitude referred to, and accepted, in lieu thereof, the mutual privileges mentioned in the fourth article. The capital and tonnage employed by our citizens in their trade with the north-west coast of America will, perhaps, on adverting to the official statements of the commerce and navigation of the United States for the last few years, be deemed too inconsiderable in amount to attract much attention; yet the subject may, in other respects, deserve the careful consideration of Congress.

I regret to state that the blockade of the principal ports on the eastern coast of Mexico, which, in consequence of differences between that Republic and France, was instituted in May last, unfortunately still continues, enforced by a competent French naval force, and is necessarily embarrassing to our own trade in the gulf, in common with that of other nations. Every disposition, however, is believed to exist on the part of the French Government, to render this measure as little onerous as practicable to the interests of the citizens of the United States, and to those of neutral commerce; and it is to be hoped that an early settlement of the difficulties between France and Mexico, will soon re-establish the harmonious relations formerly subsisting between them, and again open the ports of that Republic to the vessels of all friendly nations.

A convention for marking that part of the boundary between the United States and the Republic of Texas, which extends from the mouth of the Sabine to the Red River, was concluded and signed at this city on the 25th of April last. It has since been ratified by both Governments; and reasonable measures will be taken to carry it into effect on the part of the United States.

The application of that Republic for admission into this Union, made in August, 1837, and which was declined for reasons already made known to you, had been formally withdrawn, as will appear from the accompanying copy of the note of the Minister Plenipotentiary of Texas, which was presented to the Secretary of State on the occasion of the exchange of the ratifications of the convention above mentioned.

Copies of the convention with Texas, of a commercial treaty concluded with the King of Greece, and of a similar treaty with the Peru-Bolivian Confederation, the ratifications of which have been recently exchanged, accompany this message for the information of Congress, and for such legislative enactments as may be found necessary or expedient, in relation to either of them.

To watch over and foster the interests of a gradually increasing and widely extended commerce; to guard the rights of American citizens, whom busi-

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ness, or pleasure, or other motives, may tempt into distant climes, and at the same time to cultivate those sentiments of mutual respect and good will which experience has proved so beneficial in international intercourse, the Government of the United States has deemed it expedient, from time to time, to establish diplomatic connections with different foreign States, by the appointment of representatives to reside within their respective territories. I am gratified to be enabled to announce to you that, since the close of your last session, these relations have been opened under the happiest auspices with Austria and the Two Sicilies; that new nominations have been made in the respective missions of Russia, Brazil, Belgium, and Sweden and Norway, in this country; and that a Minister Extraordinary has been received, accredited to this Government from the Argentine Confederation.

* An exposition of the fiscal affairs of the Government, and of their condition for the past year, will be made to you by the Secretary of the Treasury.

The available balance in the Treasury, on the 1st of January next, is estimated at \$2,765,342. The receipts of the year, from customs and lands, will probably amount to \$20,615,598. These usual sources of revenue have been increased by an issue of Treasury notes—of which less than eight millions of dollars, including interest and principal, will be outstanding at the end of the year—and by the sale of one of the bonds of the Bank of the United States, for \$2,254,871. The aggregate of means from these and other sources, with the balance on hand on the 1st of January last, has been applied to the payment of appropriations by Congress. The whole expenditure for the year on their account, including the redemption of more than eight millions of Treasury notes, constitutes an aggregate of about forty millions of dollars, and will still leave in the Treasury the balance before stated.

Nearly eight millions of dollars of Treasury notes are to be paid during the coming year, in addition to the ordinary appropriations for the support of Government. For both these purposes, the resources of the Treasury will undoubtedly be sufficient, if the charges upon it are not increased beyond the annual estimates. No excess, however, is likely to exist; nor can the postponed instalment of the surplus revenue be deposited with the States, nor any considerable appropriations beyond the estimates be made, without causing a deficiency in the Treasury. The great caution advisable at all times, of limiting appropriations to the wants of the public service, is rendered necessary at present by the prospective and rapid reduction of the tariff; while the vigilant jealousy, evidently excited among the people by the occurrences of the last few years, assures us that they expect from their representatives, and will sustain them in the exercise of, the most rigid economy. Much can be effected by postponing appropriations, not immediately required for the ordinary public service, or for any pressing emergency; and much by reducing the expenditures where the entire and immediate accomplishment of the objects in view is not indispensable.

When we call to mind the recent and extreme embarrassments produced by excessive issues of bank paper, aggravated by the unforeseen withdrawal of much foreign capital, and the inevitable derangement arising from the distribution of the surplus revenue among the States as required by Congress; and consider the heavy expenses incurred by the re-

moval of Indian tribes; by the military operations in Florida; and on account of the unusually large appropriations made at the last two annual sessions of Congress for other objects, we have striking evidence, in the present efficient state of our finances, of the abundant resources of the country to fulfil all its obligations. Nor is it less gratifying to find that the general business of the community, deeply affected as it has been, is reviving with additional vigor, chastened by the lessons of the past, and animated by the hopes of the future. By the curtailment of paper issues; by curbing the sanguine and adventurous spirit of speculation; and by the honorable application of all available means to the fulfilment of obligations, confidence has been restored both at home and abroad, and ease and facility secured to all the operations of trade.

The agency of the Government in producing these results has been as efficient as its powers and means permitted. By withholding from the States the deposit of the fourth instalment, and leaving several millions at long credits with the banks, principally in one section of the country, and more immediately beneficial to it; and, at the same time, aiding the banks and commercial communities in other sections, by postponing the payment of bonds for duties to the amount of between four and five millions of dollars; by an issue of Treasury notes as a means to enable the Government to meet the consequences of their indulgence; but affording, at the same time, facilities for remittance and exchange; and by steadily declining to employ as general depositories of the public revenues, or receive the notes of all banks which refused to redeem them with specie: by these measures, aided by the favorable action of some of the banks, and by the support and co-operation of a large portion of the community, we have witnessed an early resumption of specie payments in our great commercial capital, promptly followed in almost every part of the United States. This result has been alike salutary to the true interests of agriculture, commerce, and manufactures; to public morals, respect for the laws, and that confidence between man and man which is so essential in all our social relations.

The contrast between the suspension of 1814 and that of 1837 is most striking. The short duration of the latter; the prompt restoration of business; the evident benefits resulting from an adherence by the Government to the constitutional standard of value, instead of sanctioning the suspension by the receipt of irredeemable paper; and the advantages derived from the large amount of specie introduced into the country previous to 1837, afford a valuable illustration of the true policy of the Government in such a crisis; nor can the comparison fail to remove the impression that a national bank is necessary in such emergencies. Not only were specie payments resumed without its aid, but exchanges have also been more rapidly restored than when it existed; thereby showing that private capital, enterprise, and prudence are fully adequate to these ends. On all these points experience seems to have confirmed the views heretofore submitted to Congress. We have been saved the mortification of seeing the distress of the community for the third time seized on to fasten upon the country so dangerous an institution; and we may also hope that the business of individuals will hereafter be relieved from the injurious effects of a continued agitation of that disturbing subject. The limited influence of a national bank in averting derangement in the

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exchanges of the country, or in compelling the resumption of specie payments, is now not less apparent than its tendency to increase inordinate speculation by sudden expansions and contractions; its disposition to create panic and embarrassment for the promotion of its own designs; its interference with politics; and its far greater power for evil than for good, either in regard to the local institutions or the operations of Government itself. What was, in these respects, but apprehension or opinion when a national bank was first established, now stands confirmed by humiliating experience. The scenes through which we have passed conclusively prove how little our commerce, agriculture, manufactures, or finances, require such an institution, and what dangers are attendant on its power—a power, I trust, never to be conferred by the American people upon their Government, and still less upon individuals not responsible to them for its unavoidable abuses.

My conviction of the necessity of further legislative provisions for the safekeeping and disbursement of the public moneys, and my opinion in regard to the measures best adapted to the accomplishment of those objects, have been already submitted to you. These have been strengthened by recent events; and, in the full conviction that time and experience must still further demonstrate their propriety, I feel it my duty, with respectful deference to the conflicting views of others, again to invite your attention to them.

With the exception of limited sums deposited in the few banks still employed under the act of 1836, the amounts received for duties, and, with very inconsiderable exceptions, those accruing from lands also, have, since the general suspension of specie payments by the deposit banks, been kept and disbursed by the Treasurer, under his general legal powers, subject to the superintendence of the Secretary of the Treasury. The propriety of defining more specifically, and of regulating by law, the exercise of this wide scope of Executive discretion, has been already submitted to Congress.

A change in the office of collector at one of our principal ports, has brought to light a defalcation of the gravest character, the particulars of which will be laid before you in a special report from the Secretary of the Treasury. By his report and the accompanying documents, it will be seen that the weekly returns of the defaulting officer apparently exhibited, throughout, a faithful administration of the affairs intrusted to his management. It, however, now appears, that he commenced abstracting the public moneys shortly after his appointment, and continued to do so, progressively increasing the amount, for the term of more than seven years, embracing a portion of the period during which the public moneys were deposited in the Bank of the United States, the whole of that of the State bank deposit system, and concluding only on his retirement from office after that system had substantially failed, in consequence of the suspension of specie payments.

The way in which this defalcation was so long concealed, and the steps taken to indemnify the United States, as far as practicable, against loss, will also be presented to you. The case is one which imperatively claims the attention of Congress, and furnishes the strongest motive for the establishment of a more severe and secure system for the

safekeeping and disbursement of the public moneys than any that has heretofore existed.

It seems proper, at all events, that, by an early enactment, similar to that of other countries, the application of public money by an officer of Government to private uses, should be made a felony, and visited with severe and ignominious punishment. This is already, in effect, the law in respect to the mint, and has been productive of the most salutary results. Whatever system is adopted, such an enactment would be wise as an independent measure, since much of the public moneys must, in their collection and ultimate disbursement, pass twice through the hands of public officers, in whatever manner they are intermediately kept. The Government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation. It is a duty, therefore, which the Government owes, as well to the interests committed to its care as to the officers themselves, to provide every guard against transgressions of this character that is consistent with reason and humanity. Congress cannot be too jealous of the conduct of those who are intrusted with the public money; and I shall at all times be disposed to encourage a watchful discharge of this duty. If a more direct co-operation on the part of Congress, in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed desirable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished. You will, in your wisdom, determine upon the propriety of adopting such a plan, and upon the measure necessary to its effectual execution. When the late Bank of the United States was incorporated, and made the depository of the public moneys, a right was reserved to Congress to inspect, at its pleasure, by a committee of that body, the books and the proceedings of the bank.

In one of the States whose banking institutions are supposed to rank among the first in point of stability, they are subjected to constant examination by commissioners appointed for that purpose, and much of the success of its banking system is attributed to this watchful supervision. The same course has also, in view of its beneficial operation, been adopted by an adjoining State, favorably known for the care it has always bestowed upon whatever relates to its financial concerns. I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this duty might be made obligatory on the committee in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office unless the default was satisfactorily accounted for; and report, also, to Congress, at the commencement of each session, the result of their examinations and proceedings. It does appear to me that, with a subjection of this class of public officers to the general supervision of the Executive, to examinations by a committee of Congress at

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periods of which they should have no previous notice, and to prosecution and punishment as for felony for every breach of trust, the safekeeping of the public moneys, under the system proposed, might be placed on a surer foundation than it has ever occupied since the establishment of the Government.

The Secretary of the Treasury will lay before you additional information containing new details on this interesting subject. To these I ask your early attention. That it should have given rise to great diversity of opinion cannot be a subject of surprise. After the collection and custody of the public moneys had been for so many years connected with, and made subsidiary to, the advancement of private interests, a return to the simple and self-denying ordinances of the constitution could not but be difficult. But time and free discussion eliciting the sentiments of the people, and aided by that conciliatory spirit which has ever characterized their course on great emergencies, were relied upon for a satisfactory settlement of the question. Already has this anticipation on one important point at least—the impropriety of diverting public money to private purposes—been fully realized. There is no reason to suppose that legislation upon that branch of the subject would now be embarrassed by a difference of opinion, or fail to receive the cordial support of a large majority of our constituents. The connection which formerly existed between the Government and banks, was in reality injurious to both, as well as to the general interests of the community at large. It aggravated the disasters of trade and the derangements of commercial intercourse, and administered new excitement and additional means to wild and reckless speculations, the disappointments of which threw the country into convulsions of panic, and all but produced violence and bloodshed. The imprudent expansion of bank credits, which was the natural result of the command of the revenues of the State, furnished the resources for unbounded license in every species of adventure, seduced industry from its regular and salutary occupations by the hope of abundance without labor, and deranged the social state by tempting all trades and professions into the vortex of speculation on remote contingencies.

The same wide-spreading influence impeded also the resources of the Government, curtailed its useful operations, embarrassed the fulfilment of its obligations, and seriously interfered with the execution of the laws. Large appropriations and oppressive taxes are the natural consequences of such a connection, since they increase the profits of those who are allowed to use the public funds, and make it their interest that money should be accumulated and expenditures multiplied. It is thus that a concentrated money power is tempted to become an active agent in political affairs, and all past experience has shown on which side that influence will be arrayed. We deceive ourselves if we suppose that it will ever be found asserting and supporting the rights of the community at large, in opposition to the claims of the few.

In a Government whose distinguishing characteristic should be a diffusion and equalization of its benefits and burdens, the advantage of individuals will be augmented at the expense of the mass of the people. Nor is it the nature of combinations for the acquisition of legislative influence to confine their interference to the single object for which they were originally formed. The temptation to extend it to other matters, is, on the contrary, not unfrequently too strong to be resisted. The influence in the direction

of public affairs, of the community at large, is, therefore, in no slight danger of being sensibly and injuriously affected by giving to a comparatively small, but very efficient class, a direct and exclusive personal interest in so important a portion of the legislation of Congress as that which relates to the custody of the public moneys. If laws acting upon private interests cannot always be avoided, they should be confined within the narrowest limits, and left, wherever possible, to the Legislatures of the States. When not thus restricted, they lead to combinations of powerful associations, foster an influence necessarily selfish, and turn the fair course of legislation to sinister ends, rather than to objects that advance public liberty, and promote the general good.

The whole subject now rests with you, and I cannot but express a hope that some definite measure will be adopted at the present session.

It will not, I am sure, be deemed out of place for me here to remark, that the declaration of my views in opposition to the policy of employing banks as depositories of the Government funds, cannot justly be construed as indicative of hostility, official or personal, to those institutions; or to repeat, in this form, and in connection with this subject, opinions which I have uniformly entertained, and on all proper occasions expressed. Though always opposed to their creation in the form of exclusive privileges, and as a State magistrate aiming by appropriate legislation to secure the community against the consequences of their occasional mismanagement, I have yet ever wished to see them protected in the exercise of rights conferred by law, and have never doubted their utility, when properly managed, in promoting the interests of trade, and, through that channel, the other interests of the community. To the General Government they present themselves merely as State institutions, having no necessary connection with its legislation or its administration. Like other State establishments, they may be used or not in conducting the affairs of the Government, as public policy and the general interests of the Union may seem to require. The only safe or proper principal upon which their intercourse with the Government can be regulated, is that which regulates their intercourse with the private citizen—the conferring of mutual benefits. When the Government can accomplish a financial operation better with the aid of the banks than without, it should be at liberty to seek that aid as it would the services of a private banker, or other capitalists or agents, giving the preference to those who will serve it on the best terms. Nor can there ever exist an interest in the officers of the General Government, as such, inducing them to embarrass or annoy the State banks, any more than to incur the hostility of any other class of State institutions, or of private citizens. It is not in the nature of things that hostility to those institutions can spring from this source, or any opposition to their course of business, except when they themselves depart from the objects of their creation, and attempt to usurp powers not conferred upon them, or to subvert the standard of value established by the constitution. While opposition to their regular operations cannot exist in this quarter, resistance to any attempt to make the Government dependent upon them for the successful administration of public affairs, is a matter of duty, as I trust it ever will be of inclination, no matter from what motive or consideration the attempt may originate.

It is no more than just to the banks to say, that,

in the late emergency, most of them firmly resisted the strongest temptation to extend their paper issues, when apparently sustained in a suspension of specie payments by public opinion, even though in some cases invited by legislative enactments. To this honorable course, aided by the resistance of the General Government, acting in obedience to the Constitution and laws of the United States, to the introduction of an irredeemable paper medium, may be attributed, in a great degree, the speedy restoration of our currency to a sound state, and the business of the country to its wonted prosperity. The banks have but to continue in the same safe course, and be content in their appropriate sphere, to avoid all interference from the General Government, and to derive from it all the protection and benefits which it bestows on other State establishments, on the people of the States, and on the States themselves. In this, their true position, they cannot but secure the confidence and good will of the people and the Government, which they can only lose when, leaping from their legitimate sphere, they attempt to control the operations of the Government to their own purposes.

Our experience under the act passed at the last session, to grant pre-emption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the Government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you, in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested.

Every proper exertion has been made, and will be continued, to carry out the wishes of Congress in relation to the tobacco trade, as indicated in the several resolutions of the House of Representatives, and the legislation of the two branches. A favorable impression has, I trust, been made in the different foreign countries to which particular attention has been directed, and although we cannot hope for an early change in their policy, as in many of them a convenient and large revenue is derived from monopolies in the fabrication and sale of this article, yet, as these monopolies are really injurious to the people where they are established, and the revenue derived from them may be less injuriously and with equal facility obtained from another and a liberal system of administration, we cannot doubt that our efforts will be eventually crowned with success, if persisted in with temperate firmness, and sustained by prudent legislation.

In recommending to Congress the adoption of the necessary provisions at this session for taking the next census, or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended, by causing it to embrace authentic statistical returns of the great interests specially intrusted to, or necessarily affected by the legislation of Congress.

The accompanying report of the Secretary of War presents a satisfactory account of the state of the army, and of the several branches of the public service confided to the superintendence of that officer.

The law increasing and organizing the military establishment of the United States has been nearly carried into effect, and the army has been exten-

sively and usefully employed during the past season.

I would again call to your notice the subjects connected with and essential to the military defences of the country, which were submitted to you at the last session; but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the regular army, and may form the basis for a general system of organization for the entire militia of the United States. The erection of a national foundry and gunpowder manufactory, and one for making small arms, the latter to be situated at some point west of the Alleghany Mountains, all appear to be of sufficient importance to be again urged upon your attention.

The plan proposed by the Secretary of War for the distribution of the forces of the United States in time of peace, is well calculated to promote regularity and economy in the fiscal administration of the service, to preserve the discipline of the troops, and to render them available for the maintenance of the peace and tranquillity of the country. With this view, likewise, I recommend the adoption of the plan presented by that officer for the defence of the western frontier. The preservation of the lives and property of our fellow-citizens who are settled upon that border country, as well as the existence of the Indian population, which might be tempted by our want of preparation to rush on their own destruction, and attack the white settlements, all seem to require that this subject should be acted upon without delay, and the War Department authorized to place that country in a state of complete defence against any assault from the numerous and warlike tribes which are congregated on that border.

It affords me sincere pleasure to be able to apprise you of the entire removal of the Cherokee nation of Indians to their new home west of the Mississippi. The measures authorized by Congress at its last session with a view to the long-standing controversy with them, have had the happiest effect. By an agreement concluded with them, by the commanding general in that country, who has performed the duties assigned to him on the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.

The successful accomplishment of this important object; the removal also, of the entire Creek nation, with the exception of a small number of fugitives amongst the Seminoles in Florida; the progress already made towards a speedy completion of the removal of the Chickasaws, the Choctaws, the Pottawatamies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of the long-established policy of the Government upon the subject of Indian affairs entirely certain. The occasion is, therefore, deemed a proper one to place this policy in such a point of view, as will exonerate the Government of the United States from the undeserved reproach which has been cast upon it through several successive Administrations. That a mixed occupancy of the same territory, by the white and red man, is incompatible with the safety or happiness of either, is a position in respect to

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which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature, have only been destruction, both physical and moral, to the Indian; dangerous conflicts of authority between the Federal and State Governments; and detriment to the individual prosperity of the citizen, as well as to the general improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title to all lands still occupied by the Indians within the States and Territories of the United States; their removal to a country west of the Mississippi, much more extensive, and better adapted to their condition, than that on which they then resided; the guarantee to them, by the United States, of their exclusive possession of that country forever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular administrations only, but of each in succession since the first attempt to carry it out under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of success. The manner of its execution has, it is true, from time to time, given rise to conflicts of opinion and unjust imputations; but in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.

Occupying the double character of contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the Federal Government with the Indian tribes would escape misrepresentation. That there occurred in the early settlement of this country, as in all others where the civilized race has succeeded to the possessions of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offences can, however, be justly charged upon this Government since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout; its efforts for their civilization constant, and directed by the best feelings of humanity; its watchfulness in protecting them from individual frauds unremitting; its forbearance under the keenest provocations, the deepest injuries, and the most flagrant outrages, may challenge at least a comparison with any nation, ancient or modern, in similar circumstances; and if in future times a powerful, civilized, and happy nation of Indians shall be found to exist within the limits of this northern continent, it will be owing to the consummation of that policy which has been so unjustly assailed. Only a very brief reference to facts in confirmation of this assertion can in this form be given, and you are, therefore, necessarily referred to the report of the Secretary of War for further details. To the Cherokees, whose case has perhaps excited the greatest share of attention and sympathy, the United States have granted in fee, with a perpetual guarantee of exclusive and peaceable possession, 13,554,135 acres of land, on the west side of the Mississippi, eligibly situated,

in a healthy climate, and in all respects better suited to their condition than the country they have left, in exchange for only 9,492,160 acres on the east side of the same river. The United States have in addition stipulated to pay them five million six hundred thousand dollars for their interest in, and improvements on, the lands thus relinquished, and one million one hundred and sixty thousand dollars for subsistence and other beneficial purposes; thereby putting it in their power to become one of the most wealthy and independent separate communities, of the same extent, in the world.

By the treaties made and ratified with the Miamies, the Chippewas, the Sioux, the Sacs and Foxes, and the Winnebagoes, during the last year, the Indian title to eighteen million four hundred and fifty-eight thousand acres has been extinguished. These purchases have been much more extensive than those of any previous year, and have, with other Indian expenses, borne very heavily upon the Treasury. They leave, however, but a small quantity of unbought Indian lands within the States and Territories; and the Legislature and Executive were equally sensible of the propriety of a final and more speedy extinction of Indian titles within those limits. The treaties which were, with a single exception, made in pursuance of previous appropriations for defraying the expenses, have subsequently been ratified by the Senate, and received the sanction of Congress by the appropriations necessary to carry them into effect. Of the terms upon which these important negotiations were concluded, I can speak from direct knowledge; and I feel no difficulty in affirming that the interest of the Indians in the extensive territory embraced by them, is to be paid for at its fair value, and that no more favorable terms have been granted to the United States than would have been reasonably expected in a negotiation with civilized men, fully capable of appreciating and protecting their own rights. For the Indian title to 116,349,897 acres acquired since the 4th of March, 1829, the United States have paid \$72,560,056, in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments, and implements. When the heavy expenses incurred by the United States, and the circumstance that so large a portion of the entire territory will be forever unsalable, are considered, and this price is compared with that for which the United States sell their own lands, no one can doubt that justice has been done to the Indians in these purchases also. Certain it is, that the transactions of the Federal Government with the Indians have been uniformly characterized by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend to justice and humanity to learn that, notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have arisen from the peculiar and impracticable nature of the Indian character, the wise, humane, and undeviating policy of the Government in this, the most difficult of all our relations, foreign or domestic, has at length been justified to the world in its near approach to a happy and certain consummation.

The condition of the tribes which occupy the country set apart for them in the West, is highly prosperous, and encourages the hope of their early civilization. They have, for the most part, abandoned the hunter state, and turned their attention to agricultural pursuits. All those who have been

established for any length of time in that fertile region, maintain themselves by their own industry. There are among them traders of no inconsiderable capital, and planters exporting cotton to some extent; but the greater number are small agriculturists, living in comfort upon the produce of their farms. The recent emigrants, although they have in some instances removed reluctantly, have readily acquiesced in their unavoidable destiny. They have found at once a recompense for past sufferings, and an incentive to industrious habits, in the abundance and comforts around them. There is reason to believe that all these tribes are friendly in their feelings towards the United States; and it is to be hoped that the acquisition of individual wealth, the pursuits of agriculture, and habits of industry, will gradually subdue their warlike propensities and incline them to maintain peace among themselves. To effect this desirable object, the attention of Congress is solicited to the measures recommended by the Secretary of War for their future government and protection, as well from each other as from the hostility of the warlike tribes around them, and the intrusions of the whites. The policy of the Government has given them a permanent home, and guaranteed to them its peaceful and undisturbed possession. It only remains to give them a government and laws which will encourage industry, and secure to them the reward of their exertions. The importance of some form of government cannot be too much insisted upon. The earliest effects will be to diminish the causes of occasions for hostilities among the tribes, to inspire an interest in the observance of laws to which they will have themselves assented, and to multiply the securities of property, and the motives for self-improvement. Intimately connected with this subject, is the establishment of the military defences recommended by the Secretary of War, which have been already referred to. Without them, the Government will be powerless to redeem its pledges of protection to the emigrating Indians against the numerous warlike tribes that surround them, and to provide for the safety of the frontier settlers of the bordering States.

The case of the Seminoles constitutes at present the only exception to the successful efforts of the Government to remove the Indians to the homes assigned them west of the Mississippi. Four hundred of this tribe emigrated in 1836, and fifteen hundred in 1837 and 1838, leaving in the country, it is supposed, about 2,000 Indians. The continued treacherous conduct of these people; the savage and unprovoked murders they have lately committed, butchering whole families of the settlers of the Territory, without distinction of age or sex, and making their way into the very centre and heart of the country, so that no part of it is free from their ravages; their frequent attacks on the light-houses along that dangerous coast; and the barbarity with which they have murdered the passengers and crews of such vessels as have been wrecked upon the reefs and keys which border the Gulf, leave the Government no alternative but to continue the military operations against them until they are totally expelled from Florida.

There are other motives which would urge the Government to pursue this course towards the Seminoles. The United States have fulfilled in good faith all their treaty stipulations with the Indian tribes, and have, in every other instance, insisted upon a like performance of their obligations. To relax from this salutary rule because the Seminoles

have maintained themselves so long in the territory they had relinquished, and, in defiance of their frequent and solemn engagements, still continue to wage a ruthless war against the United States, would not only evince a want of constancy on our part, but be of evil example in our intercourse with other tribes. Experience has shown that but little is to be gained by the march of armies through a country so intersected with inaccessible swamps and marshes, and which, from the fatal character of the climate, must be abandoned at the end of the winter. I recommend, therefore, to your attention, the plan submitted by the Secretary of War in the accompanying report, for the permanent occupation of the portion of the Territory freed from the Indians, and the more efficient protection of the people of Florida from their inhuman warfare.

From the report of the Secretary of the Navy, herewith transmitted, it will appear that a large portion of the disposable naval force is either actively employed, or in a state of preparation for the purposes of experience and discipline, and the protection of our commerce. So effectual has been this protection, that, so far as the information of Government extends, not a single outrage has been attempted on a vessel carrying the flag of the United States, within the present year, in any quarter, however distant or exposed.

The exploring expedition sailed from Norfolk on the 19th of August last; and information has been received of its safe arrival at the island of Madeira. The best spirit animates the officers and crews, and there is every reason to anticipate, from its efforts, results beneficial to commerce and honorable to the nation.

It will also be seen that no reduction of the force now in commission is contemplated. The unsettled state of a portion of South America renders it indispensable that our commerce should receive protection in that quarter; the vast and increasing interests embarked in the trade of the Indian and China Seas, in the whale fisheries of the Pacific Ocean, and in the Gulf of Mexico, require equal attention to their safety; and a small squadron may be employed to great advantage on our Atlantic coast, in meeting sudden demands for the reinforcement of other stations, in aiding merchant vessels in distress, in affording active service to an additional number of officers, and in visiting the different ports of the United States, an accurate knowledge of which is obviously of the highest importance.

The attention of Congress is respectfully called to that portion of the report recommending an increase in the number of smaller vessels, and to other suggestions contained in that document. The rapid increase and wide expansion of our commerce, which is every day seeking new avenues of profitable adventure; the absolute necessity of a naval force for its protection precisely in the degree of its extension; a due regard to the national rights and honor; the recollection of its former exploits, and the anticipation of its future triumphs whenever opportunity presents itself, which we may rightfully indulge from the experience of the past, all seem to point to the navy as a most efficient arm of our national defence, and a proper object of legislative encouragement.

The progress and condition of the Post Office Department will be seen by reference to the report of the Postmaster General. The extent of post roads, covered by mail contracts, is stated to be 134,818

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The President's Message.

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miles, and the annual transportation upon them 34,580,202. The number of post offices in the United States is 12,553, and rapidly increasing. The gross revenue for the year ending on the 30th day of June last, was \$4,262,145. The accruing expenditures, \$4,680,068; excess of expenditures, \$417,923. This has been made up out of the surplus previously on hand. The cash on hand on the first instant, was \$314,068. The revenue for the year ending June 1838, was \$161,540 more than that for the year ending June 30, 1837. The expenditures of the department had been graduated upon the anticipation of a largely increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the department against the danger of embarrassment. Its revenue is now improving, and it will soon resume its onward course in the march of improvement.

Your particular attention is requested to so much of the Postmaster General's report as relates to the transportation of the mails upon the railroads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time protect the department from combinations and unreasonable demands.

Nor can I too earnestly request your attention to the necessity of providing a more secure building for this department. The danger of destruction to which its important books and papers are continually exposed, as well from the highly combustible character of the building occupied, as from that of others in the vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to the suggestions and recommendation submitted at the last session in respect to the District of Columbia.

I feel it my duty, also, to bring to your notice certain proceedings at law which have recently been prosecuted in this District, in the name of the United States, on the relation of Messrs. Stockton and Stokes, of the State of Maryland, against the Postmaster General, and which have resulted in the payment of money out of the National Treasury, for the first time since the establishment of the Government, by judicial compulsion exercised by the common law writ of mandamus, issued by the circuit court of this District.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the report of the decision; and any additional information which you may desire will be supplied by the proper department. No interference in the particular case is contemplated. The money has been paid; the claims of the prosecutors have been satisfied; and the whole subject, so far as they are concerned, is finally disposed of; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands, that I have thought it necessary to present it to your consideration.

The object of the application to the circuit court was to compel the Postmaster General to carry into effect an award made by the Solicitor of the Treasury, under a special act of Congress for the settlement of certain claims of their relations on the Post Office Department, which award the Postmaster General declined to execute in full, until he should receive further legislative direction on the subject. If the duty imposed on the Postmaster General, by that law, was to be regarded as one of an official nature, belonging to his office as a branch of the Executive, then it is obvious, that the constitutional competency

of the Judiciary to direct and control him in its discharge, was necessarily drawn in question. And if the duty so imposed on the Postmaster General was to be considered as merely ministerial, and not executive, it yet remained to be shown that the circuit court of this District had authority to interfere by mandamus—such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the circuit court was carried, by a writ of error, to the Supreme Court of the United States. In the opinion of that tribunal, the duty imposed on the Postmaster General was not an official, executive duty, but one of a merely ministerial nature. The grave constitutional questions which had been discussed were, therefore, excluded from the decision of the case; the court, indeed, expressly admitting that, with powers and duties properly belonging to the Executive, no other department can interfere by the writ of mandamus; and the question, therefore, resolved itself into this: Has Congress conferred upon the circuit court of this District the power to issue such a writ to an officer of the General Government, commanding him to perform a ministerial act? A majority of the court have decided that it has, but have founded their decision upon a process of reasoning which, in my judgment, renders further legislative provision indispensable to the public interests and the equal administration of justice.

It has long since been decided by the Supreme Court, that neither that tribunal nor the circuit courts of the United States held within the respective States, possess the power in question; but it is now held that this power, denied to both of these high tribunals, (to the former by the constitution, and to the latter by Congress,) has been, by its legislation, vested in the circuit court of this District. No such direct grant of power to the circuit court of this District is claimed; but it has been held to result, by necessary implication, from several sections of the law establishing the court. One of these sections declares, that the laws of Maryland, as they existed at the time of the cession, should be in force in that part of the District ceded by that State; and, by this provision, the common law, in civil and criminal cases, as it prevailed in Maryland in 1801, was established in that part of the District.

In England, the Court of King's Bench—because the sovereign, who, according to the theory of the constitution, is the fountain of justice, originally sat there in person, and is still deemed to be present, in construction of law—alone possesses the high power of issuing the writ of mandamus, not only to inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the King's name, to do what their duty requires, in cases where there is a vested right, and no other specific remedy. It has been held, in the case referred to, that, as the Supreme Court of the United States is, by the constitution, rendered incompetent to exercise this power, and as the circuit court of this District is a court of general jurisdiction in cases at common law, and the highest court of original jurisdiction in the District, the right to issue the writ of mandamus is incident to its common law powers. Another ground relied upon to maintain the power in question, is, that it was included, by fair construction, in the power it granted to the circuit courts of the United States, by the act "to provide for the more convenient organization of the courts of the United States," passed

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Death of the Hon. Wm. Patterson.

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13th of February, 1801; that the act establishing the circuit court of this District, passed the 27th day of February, 1801, conferred upon that court and the judges thereof the same powers as were by law vested in the circuit courts of the United States and in the judges of the said courts; that the repeal of the first-mentioned act, which took place in the next year, did not divest the circuit court of this District of the authority in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the circuit courts of the United States by the repeal of the act of 13th of February, 1801.

Admitting that the adoption of the laws of Maryland for a portion of this District confers on the circuit court thereof, in that portion, the transcendent extra-judicial prerogative powers of the Court of King's Bench, in England, or that either of the acts of Congress, by necessary implication, authorize the former court to issue a writ of mandamus to an officer of the United States, to compel him to perform a ministerial duty, the consequences are, in one respect, the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision: those in the States to one rule, and those in the District of Columbia to another and a very different one. In the District their official conduct is subject to a judicial control, from which in the States they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judiciary, in a system of Government constituted like that of the United States, all must agree that these disparaging discrepancies in the law and in the administration of justice ought not to be permitted to continue; and as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

M. VAN BUREN.

WASHINGTON, December 3, 1838.

The Message having been read,
On motion of Mr. WRIGHT,

Ordered, That the usual number of copies be printed, and that five thousand additional copies without the documents, and fifteen hundred copies with the documents, be printed for the use of the Senate.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 4.

Mr. CAMBRELENG, from the joint Committee on the part of the House appointed to wait on the President of the United States, reported that they had discharged that duty, and the President had informed them, in reply, that he would transmit to the two Houses a Message to-day.

The President's annual Message was then brought in by his private Secretary, and, being laid before the House by the Speaker, was read at length by the Clerk.

Mr. HAYNES moved that the Message and accompanying documents be referred to a Committee of the Whole on the state of the Union, and that 15,000 copies with the documents, and

5,000 without the documents, be printed for the use of the House.

After some further conversation between Messrs. WISE, J. GARLAND, and HAYNES, the motion was agreed to without a division.

WEDNESDAY, December 5.

The Hon. L. SALTONSTALL, member elect from the State of Massachusetts, appeared, was qualified, and took his seat.

Death of the Hon. Wm. Patterson.

Mr. FILLMORE then rose and said:

Mr. SPEAKER: The painful and melancholy duty has devolved upon me of announcing to this House the death of my lamented friend and colleague, WM. PATTERSON. He died at his residence, in Warsaw, on the 14th day of August last.

The last time I saw him was in this Hall at the close of the late session. He was then in the prime of life, and apparently in the full enjoyment of health. Blessed by his Creator with a constitution that never felt disease—enviored by a temperance and regularity of habit that ordinarily bids defiance to its approach—no man left this House with fairer prospects of returning to it again. But the untiring assiduity with which he devoted himself to the discharge of his duties here during that long and arduous session, doubtless sowed the seeds of that disease which so soon terminated his earthly existence. Beneath the external glow of health that then mantled his cheek, was insidiously preying the canker-worm of death. He was barely enabled to return to the bosom of his family, when his strength gave way, his reason wandered, and, in a few short days, all that was mortal of William Patterson “slept beneath the clods of the valley.” Would that his melancholy tale ended here. But it does not. The partner of his earthly joys and sorrows, worn down with the watchings and anxieties of his last illness, with a constitution too feeble to support the accumulated distress of a sensitive mind, sunk beneath the weight of her sorrows, and, in a few days after his interment, she, too, “slept the sleep of death” by his side. What an appalling bereavement to his infant children! They are now orphans in this wide world, exhibiting in their changed condition an awful reality of the uncertainty of life and of all earthly enjoyments.

But, sir, though gone, he has left behind him a name and reputation dear to them that knew him. Modest and unassuming in his character, kind and generous in his disposition, honest and inflexible in his purpose—to know him was to respect and esteem him. His heart was without guile; and, though he made no professions, yet he habitually practised all the virtues that adorn the life of a most exemplary Christian.

He made no pretensions to literary acquirements or statesmanlike qualifications, and his

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native modesty naturally induced him to seek the quiet retirement of private life. But, blessed with good sense and a strong and retentive memory, he found leisure, amid the daily toils of a laborious occupation, to cultivate a taste for reading, which stored his mind with useful facts. At the unsolicited request of his fellow-citizens, he reluctantly yielded his assent to occupy a seat on this floor. How he discharged that important trust during the short time he participated in our deliberations, is known to you all. During a protracted and uncommonly arduous session, when many fainted by the wayside, he was always at his post. During a time of uncommon excitement and political acrimony, he was firm in the support of what he deemed to be right, yet tolerant to the opinions of others with whom he differed. In one word, he was constant and patient in the discharge of all his official duties, and untiring in the more humble, but useful labors of his station. Naturally frank, honest, and confiding, he drew around him a circle of friends, and, by the unadulterated goodness of his heart, disarmed even political opposition of its rancor. Finally, in all the relations of life, as a father, husband, brother, friend, citizen, and legislator, he was blameless. That no testimony of respect for his many virtues should be wanting, I offer for the adoption of the House the resolutions which I send to the Chair :

Resolved, unanimously, That this House has received with deep sensibility the announcement of the death of the Hon. WILLIAM PATTERSON, a Representative from the State of New York.

Resolved, unanimously, That the members of this House will testify their respect for the memory of the deceased, by wearing crape on the left arm for thirty days.

Death of Hon. A. W. Bruyn.

Mr. GRAY then rose, and addressed the House as follows :

Mr. SPEAKER : I sincerely join in the expression of sorrow at the decease of our late lamented friend and colleague, whose death we have just heard announced, and sympathize with his relatives, and especially his children, who have suffered a double bereavement ; and regret, yes, sir, deeply regret, that there is still yet to be announced another instance of mortality, which occurred during the recess of Congress, among the delegation from that State, and that, too, from the District which I have the honor in part to represent. I allude to the late Hon. ANDREW DE WITT BRUYN, who, for a considerable period prior to, and during all the time he served his constituents, in this body, suffered under a combination of diseases that impaired his usefulness here, and finally terminated his life on the 27th day of July last, at his residence in Ithaca. Aside from the irreparable loss which his family have sustained, the death of Judge Bruyn is regarded as no ordinary calamity to the community to whom he was intimately known, and by whom his salutary influ-

ence, both in public and private life, was felt and appreciated. In all situations in life, he was amiable and unpretending ; deliberate in forming his opinions, and inflexible in maintaining them. He was, in all respects, an honorable man ; justly, and in a very high degree, enjoying the esteem of all who knew him ; and those who knew him best respected him most. He was a lawyer of eminence, distinguished for the clear and comprehensive view he took of all subjects presented for his consideration, possessing talents peculiarly fitting for a judicial station ; and after a successful practice in his profession for many years, he received the appointment of first Judge of the county court in the county where he resided, the duties of which he discharged for several years, and until he was elected to a seat in this body, with distinguished ability ; and when he resigned to enter upon his duties here, he received the unanimous and cordial approbation of the bar of his county, and those whose peculiar province it was to join in an expression of his valuable services in that capacity. Of his course here it is only necessary to remark, that he acquired a reputation here which he maintained elsewhere, of a pure, upright, and honest man.

I beg leave to send to the Chair the following resolution, and move its adoption :

Resolved, That the members of this House tender to the relations of the deceased its sympathy on this mournful event, and will testify their respect for the memory of ANDREW DE WITT BRUYN, deceased, late member of this House from the State of New York, by wearing crape on the left arm for thirty days.

The resolution was unanimously adopted, and then, on motion,

The House adjourned.

MONDAY, December 10.

Smithsonian Legacy.

The following Messages from the President of the United States were laid before the House :

WASHINGTON, Dec. 6, 1838.

To the House of Representatives of the United States :

The act of the 1st July, 1836, to enable the Executive to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, having received its entire execution, and the amount recovered and paid into the Treasury, having agreeably to an act of the last session, been invested in State stocks, I deem it proper to invite the attention of Congress to the obligation now devolving upon the United States to fulfil the object of the bequest. In order to obtain such information as might seem to facilitate its attainment, the Secretary of State was directed in July last to apply to persons versed in science, and familiar with the subject of public education, for their views as to the mode of disposing of the fund best calculated to meet the intentions of the testator, and prove most beneficial to mankind. Copies of the circular letter, written in compliance with these directions, and of

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Rights of the South.

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the answers to it received at the Department of State, are herewith communicated for the consideration of Congress. M. VAN BUREN.

On motion of Mr. ADAMS, referred to a Select Committee of nine.

To the House of Representatives.

I herewith transmit to the House of Representatives reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, in answer to the resolution of the House of the 9th of July last. M. VAN BUREN.

WASHINGTON, Dec. 7, 1838.

Defalcation of Sam. Swartwout, late Collector of the Port of New York.

To the Senate and House of Representatives of the United States:

I herewith transmit a special report, made to me by the Secretary of the Treasury, for your consideration, in relation to the recently discovered default of Samuel Swartwout, late collector of the customs at the port of New York.

I would respectfully invite the early attention of Congress to the adoption of the legal provisions therein suggested, or such other measures as may appear more expedient for increasing the public security against similar defalcations hereafter.

M. VAN BUREN.

WASHINGTON, Dec. 7 1838.

Mr. CAMBRELENG moved that so much of this document as related to the defalcation of the late collector of New York be referred to a Select Committee, and so much as related to the revenue laws to that on Ways and Means.

Mr. C. remarked, that in making the first motion, which he regarded as one demanding the exclusive consideration of a committee, it was proper for him to state that he did it with no design of acting upon the committee himself in any capacity. On the contrary, charged as he was with the laborious duties on another committee, he could scarcely devote the requisite time; and, independent of that consideration, it would be much more satisfactory to him that the members should come from a different quarter of the Union than Mr. C. did.

Mr. MERCER applauded the spirit and candor of the gentleman from New York, but he would suggest to the gentleman, as this was an important matter, to postpone it till to-morrow, and order it to be printed.

Mr. C. assenting, the subject took that temporary direction.*

* Among the papers communicated by the President were the following from HENRY D. GILPIN, Esq., Solicitor of the Treasury:

Mr. Underwood completed, on Thursday evening, the examination of the books and documents at the customhouse, so far as to enable him, with the addition of the information already possessed at the Treasury, to state the account of Mr. Swartwout so as to exhibit truly the amount due to the United States. He then proceeded to Washington for the purpose of having the account finally adjusted and passed by the accounting officers, as the act of Congress requires, and expected to return it to me, at this place, duly certified, by the 12th instant. When it is received, we shall be able to adopt the summary proceedings by distress warrant, authorized by the act of May 15, 1820, should the

TUESDAY, December 11.

Rights of the South.

When New Hampshire was called on, Mr. ATHERTON rose and asked leave to submit the following resolutions:

Resolved, That this Government is a Government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy.

Resolved, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

Resolved, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or the Territories, as a means, and with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the constitution, an infringement of the rights of the States affected, and a breach of the

interests of the United States make that course most advisable.

It appeared proper, however, without waiting for this, to take whatever measures were possible for the immediate security of the United States. On examining the letter of attorney from Mr. Swartwout to Mr. Ogden, I found that it conferred on the latter the fullest agency. He was entirely impressed with the propriety of adopting under it such measures for the security of the United States as were in his power. He has paid over to me the sum of \$30,000 in cash, being the deposit in bank referred to in the last report. This sum I have placed to the credit of the Treasurer of the United States, on special deposit, in the Bank of America; and herewith enclose you duplicate receipts of the cashier therefor. Mr. Ogden has also executed, as the attorney of Mr. Swartwout, three mortgages of all his property in the States of New York, New Jersey, and Maryland. The specific portions of property belonging to Mr. Swartwout in those States were not all known to Mr. Ogden, but they are described as fully as his information permitted; and the mortgages embrace, generally, all Mr. Swartwout's estate. Neither Mr. Price nor myself have been able to learn that there is any other property, real or personal, unless it be the household furniture. The mortgages have been placed for record in the register's office of this city, and of Bergen county, New Jersey, and I have forwarded that embracing the property in Maryland, to the district attorney there, with a request to have it recorded in the proper office without delay. These mortgages include the house and lots in this city; the large and valuable meadow property at Hoboken; and the interest in the coal lands at Cumberland. As to their value, I have no means of forming an opinion, but it is rated by Mr. Ogden at a very large amount.—[*Extract*, Nov. 10, 1838.

Yesterday I received a duly certified transcript of the account of Mr. Swartwout, as finally stated by the accounting officers, showing a balance due from him, as late collector of the revenue for the port of New York, of \$1,344,119 65.

In pursuance of the provisions of the act of 15th May, 1820, I forthwith issued a warrant of distress against the said Samuel Swartwout, and Benjamin Birdsall, Charles L. Livingston, and Mangle L. Quackenboss, the sureties in the official bond of Mr. Swartwout, which was forwarded from the office of the First Comptroller of the Treasury. The warrant of distress, with a copy of the account, was delivered to the marshal, and he proceeded without delay to make a levy on the estate of Mr. Swartwout and his sureties in this district.

In order to perfect the lien in the manner the act requires, the marshal has already caused the levies he has made, with the dates, to be recorded in the office of the clerk of the district court for this district, and will continue so to do as additional property may be ascertained.—[*Extract*, Nov. 13, 1838.

3D SESS.]

Rights of the South.

[DECEMBER, 1838.]

public faith upon which they entered into the Confederacy.

Resolved, That the constitution rests on the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

Resolved, therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the constitution, destructive of the fundamental principle on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table, without being debated, printed, or referred.

Mr. CUSHING objected to their introduction at this time.

Mr. ATHERTON thereupon moved a suspension of the rules.

Mr. ADAMS and Mr. CUSHING simultaneously demanded the yeas and nays; which, being ordered, were—yeas 137, nays 66.

So the rules were suspended.

The resolutions being before the House,

Mr. ATHERTON addressed the Chair as follows:

In addressing the House at this time my object is, very briefly, to explain the purport of the resolutions just offered, and the reasons which have induced me to present them.

The first resolution declares "that this Government is a Government of limited powers, and that by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy."

To suppose that this resolution would not meet very general assent, would be to suppose that the most ultra Federal notions are entertained as to the powers of the General Government, and that those powers are considered as entirely absolute and unlimited.

The second resolution declares that petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

Legally and morally, Mr. Speaker, men are held responsible for the consequences which their acts have a manifest tendency to produce. This resolution contains an expression of *our opinion* as to the ultimate object and tendency of these petitions and memorials. Can any one

who does not shut his eyes to what is going on around him, doubt as to the effect, and as to the intention of these petitions? I cannot doubt it, sir, without disbelieving the open avowals of these petitioners themselves. In saying this, I refer, however, not to many honest persons who have signed them without a sufficient examination of the important bearing of the question; nor to others, such for instance as females and children, who have had, in affixing their signatures, too frequently no definite intention or object; but to those who call loudly for the presentation of these petitions, who get them up, who circulate them for signature, and whose business it seems to be to agitate the community on this subject.

The third resolution declares that Congress has no right to do that indirectly which it cannot do directly, and that the agitation of the subject of slavery in the District of Columbia or the Territories, as a means, or with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the constitution, an infringement of the rights of the States affected, and a breach of the public faith, upon which they entered into this Confederacy.

The fourth resolution declares "that the constitution rests on the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other."

I am not aware that any code of political construction or political morality ought to find favor in this House, by which the justice of these two resolutions shall not be fully admitted. Indeed, sir, I must say that all the resolutions to which I have adverted seem very like truisms, about which no dispute can be entertained; and it also seems to me, that from these the principles contained in the fifth and last resolution follow by necessary consequence.

The fifth resolution declares that, therefore, "all attempts on the part of Congress to abolish slavery in the District of Columbia, or in the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the constitution, destructive of the fundamental principles on which the union of these States rests, and beyond the jurisdiction of Congress."

These are the principles laid down in the fifth resolution, and as I have said, they seem to me to follow by necessary consequence from the preceding resolutions. But the fifth resolution proceeds still further, and provides for the mode of action of the House upon petitions, memorials, &c., on this subject; and from the principles embodied in the first part of the resolution, the propriety of the mode of action prescribed, becomes at once apparent.

The latter part of the resolution provides that every petition, memorial, resolution, proposition or paper, tending or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred.

This provision is, in effect, similar to the resolution of the 24th of December, 1837, on the same subject. It is within the knowledge of all, that the resolution of the 24th December was also nearly similar to a resolution adopted by the House several years since, after full examination of the subject by a committee. The representatives of the State which I, in part, represent, voted for that resolution, and one of them was of the committee who reported it. Their course met the decided approbation of a majority of their constituents, as I believe has the course of those who supported the similar resolutions of the 24th December. At any rate, I may be pardoned for saying of that constituency, that they are too intelligent to be misled by the idle and utterly unfounded pretence, that the adoption of such a resolution is a denial of any right of petition. Still, sir, as in some portions of the country, from not sufficiently attending to the reasons inducing it, this may have been considered a measure bordering on harshness, I have thought proper in submitting that part of the last resolution, prescribing the mode of action by the House, which is similar in effect to the resolution reported by Mr. PINCKNEY, and to the resolution of the 24th December, 1837, to preface it with the matter preceding, embodying the reasons which not only render the propriety of this course evident, but show the impropriety of any other. I would treat these petitions precisely as I would any other involving similar considerations. These subjects have excited anxious attention and reflection here and elsewhere. It would be doing injustice to the intelligence of the members of this House, to suppose that any one of them had not made up his mind on the question, whether we have a right to grant the prayer of these petitions or not. The Abolitionists themselves evince their own conviction that the minds of members, even before they enter this Hall, are made up on these subjects, by requiring them explicitly to state their opinions and the vote they intend to give. The matter has been once referred to a committee, who fully examined it, and reported such arguments as conclusively show our want of jurisdiction. Is it pretended that every petition must be referred, and a report be made in full upon it, and that the whole time of Congress should be spent upon the subject? The House, and each member of the House, has fully considered the subjects involved in these petitions. If, then, the House is decidedly of opinion that it has no right to act on these subjects as the petitioners desire, it is, as I conceive, our duty to dispose of the

petitions with as little delay as possible, unless indeed our object be to waste our own time and the money of the people in discussion interminable and unavailing, or worse than unavailing, because intended to manufacture public sentiment for our constituents rather than to acquire light for our own guidance, and thus indicating the assumption that we are the masters instead of the servants of the people. By the mode of action here prescribed, the petitions are to be presented like any other petitions; from the statement of their contents, required by the rules of the House, it is perceived that they relate to subjects which have been fully considered by the House, and on which a majority of the House have definitely formed an opinion that the House has no legitimate jurisdiction; and they are at once laid upon the table.

Believing, sir, as I do, that "the relation of master and slave is a matter exclusively within the regulation of the States where it exists, and that any interference by the inhabitants of other States in regard to it, is not only unauthorized and intrusive, but faithless and dishonorable, as being against the letter and spirit of the sacred compact which binds us together"—believing that the agitation now practised on the subject of the abolition of slavery, whether carried on under the pretext of maintaining the right of petition, or any other pretext, results, either from a total misconception of the nature and rights of the General and State Governments, or, as there is reason to fear in some instances, from hostility to our established Republican institutions—that it tends to alienate the friendly regards of different parts of our country, and introduce sectional differences and divisions—to waste and consume the time of Congress, and enormously to increase the expenditure of the money of the people—that it is dangerous, not only to the rights of the citizens of the slave-holding States, but also, in the highest degree, to the integrity of the Union—that, if persisted in, it threatens to involve the whole country in the most alarming evils—and that it ought to be discountenanced by every friend of the Union and of Republican Government, I cannot but trust these resolutions will meet the favorable consideration of the House.

Mr. A. then demanded the previous question.

Mr. WISE. I ask the gentlemen of the North, as the North has been heard, that the South shall be heard also. These are not Southern resolutions, and I repudiate them as such. I wish to offer an amendment.

The CHAIR said it was not in order.

Mr. CUSHING called for a division of the question, so as to take it on each resolution.

Mr. WISE. I ask leave of this House that the South may be heard upon this question.

The CHAIR reminded the gentleman that he must be aware debate could not be entertained after the previous question had been demanded.

Mr. WISE. Then I ask that my resolution may be read.

8D SESS.]

Abolition of Slavery.

[DECEMBER, 1838.]

The CHAIR said it could only be done by unanimous consent. [Cries of No! no! from various parts of the Hall.]

Mr. WISE. It is a plot sprung upon the South.

Mr. TILLINGHAST would ask the gentleman from New Hampshire, if, after following up a speech and an argument by the previous question, he would not withdraw it for at least the same length of time, for a reply, that his argument had consumed. [Cries of Order! order!]

Mr. STANLY said, to use the words of a gentleman from New York (Mr. CAMBRELENG) on another occasion, he wanted to see every man, both North and South, toe the mark; and therefore he moved a call of the House; which was ordered.

When the name of Mr. WISE was called, that gentleman rose in his place and said, as a representative of Southern people and Southern interests, I am not here on the subject of Abolition.

The call was proceeded in, and 223 members having responded,

Mr. TITUS moved to dispense with its further proceedings.

So all further proceedings on the call were dispensed with, and the question recurring on the second for the previous question,

Mr. WISE again asked that a resolution he had drawn up as an amendment be read.

Mr. CUSHMAN objected.

Mr. WISE moved a suspension of the rules; but the Chair ruled the motion to be out of order.

The previous question was seconded by the House, 103 to 102, and ordering the main question.

Mr. GREENNELL demanded the yeas and nays, which were ordered.

Mr. BELL then rose and said he would make a motion, which he hoped would be assented to on all sides. It was to move that the House adjourn, and to order the resolutions to be printed and laid on their tables to-morrow, when they would vote understandingly upon them.

The CHAIR said the motion to print would require unanimous consent.

Mr. BELL hoped no gentleman would object to a proposition that seemed to him so reasonable.

Objections were made, however, in several quarters, and Mr. BELL then made the motion to adjourn, on which

Mr. CUSHMAN demanded the yeas and nays; which, being ordered, were—yeas 102, nays 113.

So the House refusing to adjourn, the question recurred on ordering the main question to be put.

Mr. MASON, of Ohio, then raised the question of order, whether, as the 116th rule of the House provided that no standing rule should be changed without one day's notice, and as the 48th rule prescribed the mode of receiving

petitions, and the 5th pending resolution proposed a change of that rule so far as a certain class of petitions were concerned, one day's notice should not have been given.

The CHAIR said, clearly not, and it had been so decided on a former occasion.

The vote was then taken, and the main question ordered—yeas 114, nays 107.

Mr. PETRIKEN called for the yeas and nays on the main question; which were ordered.

Mr. C. H. WILLIAMS, of Tennessee, said he wished to be excused from voting on these resolutions, unless he could have an opportunity of explaining his views upon them. They came in a questionable shape, and he could not vote for them without further examination. He therefore asked the House to be excused; but before the question was propounded—

Mr. JOHNSON, of Maryland, said he had voted against adjourning before, because he could not persuade himself that the previous question would have been sustained, but seeing it had, he now renewed the motion.

Mr. PARKER called for the yeas and nays, which being ordered, were—yeas 108, nays 113.

So the House refused to adjourn.

The House also refused to excuse Mr. WILLIAMS from voting.

Mr. WISE gave his reasons, in part, for refusing to vote for or against the resolutions, but he was called to order for travelling out of the limits prescribed by the 30th rule. Mr. W. stated that he should not vote.

Mr. STANLY also did the same, as did Mr. JENIFER.

Mr. UNDERWOOD moved the House to excuse him, for he could neither vote affirmatively nor negatively, without placing himself in a false position; but they refused.

The question was then taken on the first resolution, and it was adopted—yeas 198, nays 6.

On motion of Mr. COFFIN,
The House then adjourned.

WEDNESDAY, December 12.

Abolition of Slavery.

The first business in order was the consideration of the resolutions introduced yesterday by Mr. ATHERTON.

As soon, however, as the journal was read, Mr. WISE rose and remarked that he did not perceive entered on the record the fact that he had refused to vote yesterday, and as he wanted his constituents to see that he had not entertained the subject of abolition of slavery in the States, he moved that the journal be corrected accordingly.

The motion was disagreed to.

Mr. W. inquired if this motion would not go on the journal of to-day.

The CHAIR replied that it would.

Mr. WISE's object was attained then.

The second resolution was then read as follows:

Resolved, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

MR. BIDDLE asked permission to decline voting on the second proposition, as wantonly stigmatizing a mass of men. Whilst he could not vote for it, he knew the reckless audacity with which a vote against it might be used to create a false impression. Mr. B. referred to the stand he had taken in his own district on this subject, and the manner in which he had been sustained. His Van Buren opponent had refused to answer the interrogatories propounded. Mr. B. thought that a body of honorable men ought not to place him in this false light for the mere transient purposes of party, with a view to influence the elections at the South, now that those at the North had been got through with it. Mr. B. was proceeding further, but

The CHAIR interposed, on the ground that the gentleman was transgressing the rules.

The House refused to excuse Mr. BIDDLE.

The question on the second resolution was then taken, and it was adopted—yeas 136, nays 65.

When the name of Mr. WISE was called, that gentleman rose in his place, and said: I refuse to vote.

MR. CUSHING raised the question of order, that the gentleman was bound to vote unless excused, and that, as the names must be called alphabetically, the Clerk could not proceed to the next name and pass over that of Mr. WISE.

The CHAIR said the point had been decided before; the roll must be proceeded with, after being once commenced.

MR. CUSHING gave notice that he should raise the question again.

MR. BRONSON, who stated that he was momentarily absent from his seat when his name was called, asked leave to record his name in the affirmative; but leave was not granted.

As soon as the roll was gone through, and before the vote was announced, Mr. CUSHING again raised the above question, but it was ruled to be out of order.

The third resolution was then read as follows:

Resolved. That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or the Territories, as a means, and with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the Confederacy.

MR. BOND called for a division of the ques-

tion, so as to take the vote first on the following branch only:

Resolved, That Congress has no right to do that indirectly which it cannot do directly.

The vote being so taken resulted in the affirmative—yeas 173, nays 30.

So the first branch of the third resolution was adopted.

The second branch being read,

The question was then taken, and resulted also in the affirmative—yeas 164, nays 40.

So the third resolution was adopted, and the fourth was taken up as follows:

Resolved, That the constitution rests on the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

MR. LINCOLN called for a division of the question on this resolution, so as to take it first on the following branch:

Resolved, That the constitution rests on the broad principle of equality among the members of this Confederacy."

Such a division being accordingly ordered, the vote thereon resulted affirmatively—yeas 180, nays 26.

The second branch of this resolution was also agreed to—yeas 174, nays 24.

[When Mr. KENNEDY's name was called, that gentleman said he wished to inquire, before he voted, whether a clerical error could be first corrected in this part of the resolution.

The CHAIR said it could not.

MR. KENNEDY rejoined that he should vote for it, but he did so protesting against its bad grammar.]

The fifth and last resolution was in the following words:

Resolved, therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the constitution, destructive of the fundamental principle on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition or paper, touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred.

MR. RANDOLPH called for a division at the word "Congress" in the 9th line; which was ordered.

MR. WISE then said, I now, if it be in order, and in order to test the sense of the House upon all the resolutions, move a suspension of the rules, with a view of offering an amendment to this proposition, so as to strike out the words,

3d SESS.]

Fourth Instalment of Deposit.

[DECEMBER, 1838.]

"with the views aforesaid;" and that gentlemen may not have an excuse of apprehending a debate on Abolition, I pledge myself not to say a word upon it. I will vote for the resolution if they will strike out these words.

The CHAIR could not entertain the motion to suspend the rules.

Mr. WISE. Well, then, I will remark that these are the words that sold the South.

The first branch of the proposition was adopted—yeas 146, nays 52.

[When the name of Mr. DAWSON, of Georgia, was called, that gentleman rose in his place and said,

Mr. Speaker, I shall vote in the affirmative, omitting or expunging, so far as my vote goes, the words "with the views aforesaid." Congress has no constitutional power, for any "views" or for any purposes whatever to interfere with the question.]

Mr. PORTS moved to lay the second branch on the table, on which motion

Mr. CRAIG demanded the yeas and nays, which being ordered, were—yeas 85, nays 129.

So the motion to lay on the table was decided in the negative.

Mr. JENIFER inquired if the affirmation of this last proposition would not be identical with a virtual reception of all petitions on the abolition of slavery by the House?

The CHAIR replied that that was a question which each gentleman must interpret for himself.

Mr. POPE said he wished to be excused from voting upon this proposition, (he had voted for all the others,) on the ground that he did not wish to affirm the reception of abolition petitions, and further, that it was inconsistent with the propositions already adopted. Any vote he could give would be misconstrued.

The House refused to excuse Mr. P.

Mr. CHAMBERS also moved to be excused on similar grounds to those of his colleague; but the House again refused.

The second branch of the last proposition was then agreed to, as follows:

YEAS.—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beers, Bicknell, Birdsall, Brodhead, Buchanan, Bynum, John Calhoun, Cambreleng, William B. Campbell, John Campbell, Carter, Casey, Chaney, Chapman, Clowney, Coles, Connor, Craig, Crary, Crockett, Cushman, Dawson, Deberry, DeGraff, Dennis, Dromgoole, Elmore, Farrington, Fairfield, Fry, Gallup, James Garland, Rice Garland, James Graham, Grantland, Graves, Hammond, Hamer, Harrison, Hawes, Hawkins, Haynes, Holt, Hopkins, Howard, Hubley, William H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, William C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Loomis, Lyon, James M. Mason, Martin, Maury, May, McKay, Robert McClellan, Abraham McClellan, McClure, Menefee, Mercer, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Palmer, Parker, Parris, Paynter, Pearce, Petrikin, Phelps, Pickens, Pratt, Riley, Rencher, Rhett, Rives, John

Robertson, Rumsey, Sawyer, Augustine H. Shepperd, Charles Shepard, Shields, Snyder, Southgate, Spencer, Stuart, Stone, Swearingen, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Wagener, Webster, John White, Whittlesey, Sherrod Williams, Jared W. Williams, C. H. Williams, and Yell—126.

NAYS.—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Bond, Borden, Bouldin, Briggs, Bronson, William B. Calhoun, Childs, Clark, Coffin, Corwin, Crabb, Cranston, Curtis, Cushing, Darlington, Davee, Davies, Duncan, Dunn, Edwards, Evans, Everett, Ewing, Richard Fletcher, Isaac Fletcher, Fillmore, Foster, Giddings, Goode, William Graham, Grant, Gray, Grennell, Haley, Hall, Halsted, Harper, Hastings, Henry, William Herod, Samuel Ingham, Lincoln, Marvin, Samson Mason, Maxwell, McKennan, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Parmenter, Peck, Potts, Putnam, Rariden, Randolph, Reed, Ridgway, Edward, Robinson, Russell, Saltonstall, Sergeant, Sheffer, Slade, Stratton, Tillinghast, Toland, Albert S. White, Joseph L. Williams, Word, and Yorke—73.

[When Mr. WISE's name was called, that gentleman rose and said that, as that proposition admits the right of petition on this subject, he should refuse to vote upon it.]

The resolutions being all severally adopted, The House adjourned.

IN SENATE.

THURSDAY December 13.

Mr. WALKER presented the credentials of the Hon. THOMAS H. WILLIAMS, appointed by the Governor of the State of Mississippi, a Senator from that State, to fill the vacancy occasioned by the resignation of the Hon. JAMES TROTTER.

Mr. WILLIAMS appeared, was qualified, and took his seat.

Fourth Instalment of Deposit.

Mr. WRIGHT, from the Committee on Finance, to which was referred the annual report of the Secretary of the Treasury on the finances, reported a bill further to postpone the fourth instalment of the deposits with the States, under the act of June, 1836; which was read.

Mr. CLAY, of Kentucky, said that he should like really to see, if this instalment was again to be postponed, so contrary to what they all expected at the last session, that it was not postponed indefinitely. He had hoped that there would, at least, have been some prolongation of the promise to the States, that they might look forward to some time when they might reasonably hope to receive this money, which they all expected, and which many of them had made arrangements to appropriate to useful and important purposes. He should like to know if one year's further postponement would not be sufficient; and without saying whether he should vote for the bill in any event, he hoped that it would be so amended as to postpone the payment to some day certain, say the 1st of January, 1840, instead of being postponed, as provided for by the bill,

until the further pleasure of Congress was expressed on the subject.

Mr. C. then moved to amend the bill by making the postponement till the 1st of January, 1840.

Mr. CALHOUN said he should vote for the postponement moved by the Senator from Kentucky, though he had not the slightest anticipation that there would be any surplus in the Treasury, either in this or in the coming year. The question would then naturally occur, why he gave such a vote. The answer was, in the first place, that it could do no harm, and in the next place it would have the effect to check this House in its expenditures. If the expenditures had not been so profuse last year, there might then have been a payment of this instalment. But this and the other House took different views from what he did, and their expenditures were more profuse than they ever had been since he was connected with the Government. He had hoped at the last session that the postponement of this instalment would have had some effect to check their extravagant expenditures, but though he was disappointed, he would again vote for the postponement with the same views. He would, however, take this occasion to say, that he never would consent to vote a dollar for this instalment, which he never regarded in the light of a debt, while they had to borrow money. The Senator from Kentucky was entirely mistaken in regarding the deposit act in the light of a promise to the States. There was no pledge, no obligation whatever; the act was one of expediency merely, and it had fulfilled its object. He repeated again that he would never consent to give his vote to borrow money to pay that instalment.

Mr. NILES said he did not purpose to enter into an extended discussion of this subject, but assertions had been made, and principles advanced which were of an importance not to be overlooked. It is now, sir, for the first time, proposed to raise a revenue for the purpose of a distribution among the States:—to raise money from the people in their individual capacity, to be distributed among the States in their corporate capacity, to enure to the benefit of chartered monopolies. He (Mr. N.) knew this was not intended, nor thought of, when the deposit bill was passed by the Senate. The object was to get rid of an enormous surplus which had accumulated, and was distributed among ninety banks, expanding our already overgrown paper system, corrupting the legislation of Congress, and embarrassing to public and private affairs. On this ground he voted for that bill, as did a majority of those who voted with him. But he contended that the object for which the bill had been passed was accomplished; the surplus had been deposited. He asked if it was pretended by the Senator from Kentucky that there is a surplus in the Treasury now, or would there be a surplus at the period proposed in the amendment. Did

not the gentleman know that by the operation of his own law, (the compromise act,) the biennial reduction of the duties on imports would occur during the coming year, thus lessening, by that amount, the fiscal resources of the Government? Under these circumstances, to hold out the hope, as would be done by the proposed amendment, that the fourth instalment would be paid in January, 1840, when there would be no surplus in the Treasury, would be to sanction the idea that the money would be raised by taxation. This is the essential question, and the only question before the Senate. But it is said that the Government should redeem its pledge; that the good faith of the Government is pledged for the payment of the fourth instalment of deposit. Sir, if it is a debt due by the Government to the States, it should be discharged. But, instead of having any just claim for this money, the States are under obligations to Congress for not reclaiming the three instalments already deposited. If it was not for the interposition of Congress, good faith would have required the Secretary of the Treasury to recall the money deposited with the States, for the necessities of the Government; such were the spirit and requisitions of the act. He, and the friends who were with him, had supported the bill in good faith as a deposit act, not a distribution among the States. It was to be a deposit of a surplus. This had been accomplished, and the bill had fulfilled its functions. If it was intended as any more than a deposit act—for a distribution of money among the States—then was our legislation a fraud upon the country.

Mr. BENTON remarked that the natural progress of this thing had been distinctly pointed out by him when he had the honor, in connection with half a dozen other gentlemen, to oppose the deposit act. He knew that it was a distribution among the States. He knew that it was the commencement of a system of levying money from the people, for those who would get it out of the hands of the people. He treated this act then as a distribution, and scouted the idea of its being a deposit. He knew there was no surplus in the Treasury, and said so, and that, in a few years, we should be left without money. He stated these facts on this floor, in such strong language, that a member came to him, and begged him not to publish his remarks. He stated then that the effect of this act would be, either to break the deposit banks or to compel them to crush their debtors. Every thing he then said had been verified to the letter. We have seen, said Mr. B., a committee of the directors of the banks of New York, men of the highest intelligence, and well versed in financial affairs, placing at the head of the reasons which compelled them to suspend specie payments, the effect of this distribution act. He (Mr. B.) knew then as well as now, that one of the effects of this act would be either to compel these deposit banks to choose between stopping themselves, or

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crushing those indebted to them. He knew then that in the short space of two years we should be without money, and it was now seen that he was right; for instead of calling back from the States any of the money already distributed to them, as provided for in the many cautious words inserted in the act to make it appear like a deposit, the Government was driven to the expedient of raising money by a forced loan, for Treasury notes were nothing but a forced loan from those to whom they were paid. Instead of calling on the States for a return of a part of this money deposited with them, this body was now reproached with a breach of faith to the States for not going on to deposit the remainder, which was also claimed as a debt. That which in the first instance was declared to be a deposit only, and treated on that floor as a deposit, was now in the same place declared to be a debt, and the Federal Government was taunted with a breach of faith for not paying it. Now, what was the effect of the motion under consideration? It was a direct proposition, to be carried on hereafter, of raising money by indirection for the purpose of distribution. It was a case in which the powerful and strong would be arrayed against the weak. It was a direct proposition to commit this Government to the system of depositing money with the States. The effect would be, that all that party who are in favor of raising money of the whole to divide among the few, would throw every vote to diminish just and necessary appropriations, and to keep up the taxes. The price of the public lands would be kept up; and by the time the tariff act shall have worked out its object in January, 1840, there would be enough interested to band together for the purpose of raising from the Asiatic section of the Union, the cotton growing States, a sufficient sum for distribution. Your cotton crop, said Mr. B., amounting to some hundred millions, will hold out strong temptations to the friends of this system of distribution. Mr. B. said he had voted here for the last ten years against this system of collecting money for distribution. He opposed it when it was proposed by a Senator from New Jersey, (Mr. DICKERSON,) for the purpose of keeping up the tariff. He opposed it with the same zeal when a subsequent proposition was made to divide the proceeds of the sales of the public lands, and again when it returned in the insidious shape of a deposit act. In all this he found himself sustained by the young State of Missouri; for, young as she was, and destitute of resources, she despised the whole policy of distribution. Both branches of her Legislature adopted a resolution condemning the whole thing, and instructing her Senators and Representatives to oppose it forever. In obedience then to her instructions, as well as in accordance with the dictates of his own judgment, he solemnly protested against the odious principle. It was two hundred years since the Lord Chancellor Burleigh put into the mouth of Queen

Elizabeth the noble sentiment, that the best treasury of a Government was 'the pockets of the people. This sentiment was, even at that time, received with rapture by a British Parliament; but it was still older than the time of Chancellor Burleigh, for it was that prince of orators and statesmen in the Republic of Athens, (Demosthenes,) when a vile scheme was proposed to raise money for a similar object, who indignantly trampled the whole under foot, and then uttered the memorable sentiment that has since been so often quoted. The author said, "No! Leave this money in the pockets of the people. When the country needs it for her defence, call for it, and the people will cheerfully give it." These, said Mr. B., are my sentiments. A proposition was made, the effect of which was to commit the Senate to this system of distribution; and it has been said on that floor that no harm could ensue from it. It was like the old woman's medicine of milk and water: if it did no good, it could do no harm. Such language did not belong to statesmen, nor to the elevated theatre of an American Senate. The whole proposition was wrong, to hold out to the American people a scheme for future distribution, which, it was evident, could not be carried into effect, without resorting to taxation. What prospect was there, he would ask, of its being realized? Look at the report of the Secretary of the Treasury, and it would be found that so far from there being any surplus to divide, the reverse was the case; that there was a falling off of the revenue derived from the land sales, and a falling off of that derived from the tariff; and the prospect was that by the year 1840, there would be a still greater diminution. At this very time we were hardly able to meet the ordinary expenditures of the Government, though we had been forced to the raising of money by extraordinary means, such as selling bonds, and issuing Treasury notes which were nothing more than forced loans, yet we had been called on for this fourth instalment, and charged with breach of faith for not making it. Are we, said Mr. B., under such circumstances, (to say nothing of the principle of raising money for distribution,) are we to excite expectations in the States, that this Government is to raise eight or nine millions by taxation, to be divided among them? The effect of the vote taken on this proposition, if unhappily it should be carried, would be to make such States as were willing to accept this money, to look upon it as a pledge that this nine millions was turned over to them; and being so, it would become the bounden duty of this Government to provide the surplus, by arresting necessary appropriations, by raising new taxes, by the issue of Treasury notes, and by a resort to the old tariff; and when this much was done, then all was done that was wanted. The example would be set which would be followed up, of raising money from the weaker portions of the Union to divide among the stronger and more

populous parts of it. Our revenues were derived principally from the weaker parts of the Union—from cotton, which, being carried to Europe, the proceeds are brought back in merchandise which pays duties. The agriculture of the West also contributes its share in the same way. Then, said Mr. B., adopt this proposition—only establish the principle—and the South and West must prepare themselves in future for a heavy course of taxation, until the falsity and enormity of the system shall eventually prostrate it. Mr. B. said he was opposed to a postponement to the next year, or to the year after that. He was for a postponement not only indefinitely, but in the strongest and clearest language that could be used. He was for an eternal, perpetual, and everlasting postponement.

Mr. PRESTON concurred with the Senator from Missouri, in the impropriety of holding out the idea that this instalment would be paid in 1840. He did not think it proper that the Senate should take such a course as would hold out a fallacious hope, to deceive the States and the people of the United States. In accordance with these sentiments, he thought the proper course would be to repeal at once the first section of the deposit act, and if any Senator would make such a motion he would support it. He concurred in the sentiment, that the raising of money for distribution was unconstitutional, and admitted that he was mistaken in the operations of the deposit act. There was a necessity for the passage of the law, from the frightful surplus we had accumulated. But, sir, our part of the law has been completed; the surplus has been distributed, and the Treasury is compelled to an unconstitutional issue of Treasury notes to sustain itself. We have appealed to the vigilance of the States, and how have they responded? Instead of vigilance and economy, the States have gone on in schemes of unparalleled extravagance. Why appeal longer to the vigilance of the States to control us in our expenditures? He thought if he had known that, instead of reclaiming the money deposited with the States, when the Treasury was exhausted, the Secretary would have borrowed money by a forced loan, he would have opposed, with the Senator from Missouri, the passage of this law. He thought that it had been mischievous in its operations in some respects, and accelerated the fiscal calamities under which we have so lately suffered. But it was not the sole cause. There was an antagonist system for getting rid of the surplus by enormous appropriations for extravagant and useless objects; and though our system prevailed, we increased our expenditures, even after our surplus was deposited with the States. We had bounded rapidly from a surplus of sixty millions and an appropriation of forty millions, to an insolvent Treasury. But the deposit act had failed in the great object proposed by its enactment, and, having failed, is it correct to continue it

upon the statute book? Is there any probability of any portion of the money being hereafter reclaimed from the States: why then continue it? He had acted in good faith when voting for that bill: he had voted for it as a deposit act; a deposit which would be called for, and ought to be called for when needed for the exigencies of the Government. He was deceived. He concurred with the Senator from Missouri, that the act had a squinting towards raising a revenue for distribution, and on that ground was for obliterating it.

Mr. TALLMADGE said he should vote for the amendment, as he was about to rise to offer a similar one, when he was anticipated by his friend from Kentucky. His object having thus been accomplished, he designed to sit still and give a silent vote on the question; but some gentlemen had seen fit to go into the merits of the deposit act, which they pleased to term a distribution bill. He had said on a former occasion, that whenever gentlemen thought proper to discuss the merits of that bill, he would not sit still a silent listener. He took an active part in the passage of that act, believing that he was right then, and he believed so now. Gentlemen talked of a deception when that bill was passed. Sir, (said Mr. T.,) there was no deception and no misconception. The matter was perfectly understood, and this body put the bill in a shape to obviate all difficulties. The bill as it was originally introduced was not a distribution act, but one for a mere deposit with the States. But gentlemen say that the effect of it was a distribution. Why, General Jackson himself recommended an absolute distribution three times over! Twice in his annual Messages, and again in his veto Message on the land bill; and when he heard that objections had been raised in Congress as to the unconstitutionality of the measure, he recommended that the constitution should be so amended as to remove any doubts on the subject. At that time no objections were heard from his friends; no, sir, it was their party doctrine; but when the time arrived that we had a surplus revenue far beyond what had been anticipated, and the proposition was made, not for an absolute distribution, but for a deposit with the States, the whole matter was changed—the President changed his opinions, and his friends changed theirs. That bill, however, passed the Senate, with only six dissenting voices. How was it, Mr. T. asked, that it had been received with so much dissatisfaction in different parts of the country? It was because it had offended a party. The official organ here denounced it, and denounced every man who voted for it—though every member of that body but six voted for it, and it was the very measure previously recommended by the President. Now, how did that bill pass? When gentlemen talked about giving money to the States, let us look and see how it was. Sir, said Mr. T., we adopted an amendment, by which this money was kept within the control

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of Congress. It was provided that it should be distributed among the States in the ratio of their representation, who should give their certificates for the amounts received by them, and that whenever it should be wanted for the purposes of the Government, the Secretary of the Treasury should sell the certificates in the market, which should, from the time of sale, bear an interest of five per cent. That amendment placed the money entirely under the control of the Government; it was placed in the hands of the States, who could use it for valuable objects, without interest, until the Government wanted it. The State of New York, for instance, invested her quota in her school fund, which was laying a firmer foundation for national defence than if it had been expended in brick and mortar in a new system of fortifications, as the gentleman from Missouri wanted to expend it; and if this system of fortifications had been carried out, it must in the end have bankrupted the Treasury, for these fortifications would either have gone into dilapidation, or they must have appropriated millions annually to keep them up. Had the deposit act passed both Houses as it passed here, there never would have been a necessity to call on the States for this money, or to issue Treasury notes. The Secretary of the Treasury would have had the power to sell these certificates in the market, which would have been a good financial operation, and the money could have been obtained for the wants of the Government without putting the States to the slightest inconvenience. The bill, however, was amended in the other House on the suggestion of the President, and by that amendment this invaluable feature was stricken out, and in lieu of it, it was provided that the Secretary might draw on the States for small instalments, by giving a short previous notice. Why, then, did not the Secretary draw for this money in accordance with the provisions of the act? Perhaps he thought the notice was too long, and the instalments too small, and perhaps he did not care to incur the responsibility of this mode of proceeding. With this view of the case, was it right for gentlemen to complain of this act as a distribution? Why, there was no such principle advocated or adopted here. The principle contended for was a deposit with the States, where the Government could command it when wanted. Had the measure been carried out as advocated and adopted in the Senate, we should have had no difficulties, and the States would not have been embarrassed by a call for money which they had laid out in useful objects. Gentlemen said that the Government was about to be committed to the system of distribution by the adoption of this motion. This was not so. The Government would be no more committed than it was on a former occasion, when the same postponement of the fourth instalment was made in the terms now proposed. There would be no committal at all; and he was for having the postponement placed

in the situation which this amendment contemplated, so that it should require the action of Congress to postpone it again; and, if there should be a surplus, it would not be in the power of one House, or of the veto of the Executive to prevent its being paid over to the States. When gentlemen talked of committing the Government, they were committed already. They say (continued Mr. T.) that we are to have no more surpluses. That might be so; but in some of the elections lately held in his State, he heard it argued that in case we had another surplus we ought to have a sub-Treasury, in order that the banks might not get it to expand their issues on. He, for one, would not consent to put it out of the power of Congress to pay this fourth instalment, if both Houses thought it right to do so; nor would he agree to put it in the power of the Executive veto to prevent the States from receiving this money.

Mr. RIVES was in favor of the amendment. He said that an attempt had been made to show that the proposition before the Senate was very different from the deposit act; he could not see the difference. He was not surprised at the course the Senator from Missouri, (Mr. BEN-
TON,) and the Senator from New York, (Mr. WRIGHT,) had taken on this question; they had opposed it from the first, and were consistent on this point. But for his own part, whatever might be the course of others who had supported the bill, he would never do any thing that would look like a condemnation—an *ex post facto* condemnation—of that act of high legislation. He thought that there never had an act of more beneficial influence emanated from Congressional legislation. He was not prepared to say that the fourth instalment would not be paid. He thought there was a greater probability of its being paid than at the last session, when a measure similar to the one proposed was adopted by Congress. In voting for it, he did not consider that we were pledged to pay the instalment at the time specified in the amendment: his idea was that it should be paid whenever the Government was in funds. He thought that so long as this idea of a payment of the fourth instalment deposit—for it was strictly a deposit—was held up, the Executive would not require extravagant appropriations, because they will not furnish means to enlarge Executive power, or promote Executive views. He said that the Secretary of the Treasury, in his late report on the finances, had been reading a lecture to Congress on bringing the revenue down to the wants of the Government; but the responsibility of extravagant expenditures must be shared by the Executive with Congress. He deemed it a consideration of public morality to postpone the payment of the deposit rather than obliterate the law from the statute book.

Mr. BROWN did not rise to discuss the question, already so amply debated, whether the payment of the fourth instalment to the States, under the deposit act of 1836, should be post-

poned, as proposed by the bill reported by the chairman of the Committee on Finance, or whether the amendment offered to it should be adopted. One or two other questions of great importance, connected with our financial affairs, had been touched on, and it was his purpose to say a few words in reference to them.

He would take leave to correct a very gross error which had been fallen into by two or three gentlemen in the course of the debate, in which the advocacy of the principle of distribution among the several States had been attributed to President Jackson in some of his early messages to Congress. So far from having sanctioned it, he had expressly questioned the constitutional power of the Government to raise money for any such object. He recommended it under two contingencies: first, if there should happen to be an unavoidable accumulation of surplus money in the Treasury, as one of the means of getting rid of it; secondly, if an amendment to the constitution should be first procured authorizing it. Nor was it recommended, subject even to these two contingencies alone, without, at that time, there should be a failure on the part of Congress to bring down the revenue to a proper standard of expenditure, which was strongly enjoined by him in several of his annual messages, and, as he should presently show, made one of the leading measures of his administration.

The Senator from Kentucky (Mr. CLAY) had, in the course of his remarks, paid a tribute to the economy alleged to have been practised in the administration of Mr. Adams, and which he endeavored to contrast to the disadvantage of his successors. It would be recollected that the tariff act of 1828, one of the most outrageous acts of oppression ever practised on a free people, and which extorted from the pockets of the people the *means* of extravagance, and consequently created an uncontrollable necessity to get rid of them in some way, was one of the fruits of that most just and economical Administration. It will be recollected, also, that the magnificent and unconstitutional schemes for using these means, ay, and which, to have effected them, would have required millions more of taxes, were, for the first time in this country, hatched under that Administration. The basis of a mighty system of internal improvement was laid by it, by innumerable surveys for railroads and canals, and the commencement of innumerable plans. Who, therefore, in all truth and justice, is responsible for the extravagant direction, thus forced on this Government? Undoubtedly the administration of Mr. Adams, by whose act, and by whose sanction, this enormous amount of money was raised, which the Government was *compelled* to get rid of in some way. Is it now to be said that the political party who mainly contributed to that disastrous state of things, and whose efforts to run the Government expenditures up to their highest point, and whose progress tow-

ards that favorite result in their policy, was powerfully restrained by the constitutional negative of the late President, are the economical party? This cannot be done until the voice of truth is silenced, and the public documents forgotten. At the session of Congress in 1831, the Secretary of the Treasury, in his annual report on the finances, carrying out the principle assumed by President Jackson, that the revenue of the Government should be brought down to a proper standard of expenditure, after presenting a variety of views in support of that proposition, comes to the conclusion that "an annual revenue of fifteen millions will be fully adequate."

By this measure, *proposed* as an administration measure, and *viewed* as an administration measure at the time, and for which it was severely denounced by many of the modern economists, the administration of President Jackson attempted an annual reduction of about fifteen millions of dollars, as the revenue then accruing under the measure sanctioned by Mr. Adams, amounted to at least thirty millions of dollars annually, and often afterwards exceeded that amount. Where then were the lecturers on economy? Opposed to the reduction, and in favor of keeping up the enormous income of the Government! At the head of that party stood the Senator from Kentucky, combating for his favorite system. If it could then have been reduced, if the policy of the Administration had then prevailed, the country would not only have been relieved from an oppressive burden, but the *means* for extravagance would have been withheld, and the Government expenditures, as a matter of course, kept in their true limits. It is not, therefore, for *those* to complain who are the true authors of the evils, which were inevitable from their own course of action.

The Senator from South Carolina (Mr. PRES-
TON) has also, said Mr. B., favored us with a lecture on economy. Mr. B. expressed his solemn conviction, that if the yeas and nays on the journals of the two branches of Congress were examined for the last nine years, the political party with whom that gentleman is now associated, as a body, would be found to be the perpetrators of the offence which he now denounces. He would cite a very few examples as illustrative of the truth of what he said. On the question of passing the bill giving five millions of dollars for indemnifying certain merchants for spoliations committed by the French prior to 1801, and which, in his opinion, was without the shadow of claim on the justice of Congress, the vote by which it passed the Senate was almost entirely given by the political party opposed to the Administration, while only two or three Senators friendly to the Administration voted for it. The House of Representatives fortunately arrested it. At the last session, in the other branch of Congress, an additional sum of two millions, beyond that

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given in the treaty, was proposed to be voted to the Cherokee Indians, by a gentleman in Opposition.

Nor was the Senator from South Carolina, now so strongly smitten with a passionate love of economy, altogether free from the sin which he rebukes. Some two sessions since, if he did not err in his recollection, that gentleman proposed an appropriation of forty thousand dollars for purchasing a collection of old paintings, supposed by better connoisseurs than himself to have come to this country from Europe, on a voyage of discovery for a better market, where they, in all probability, were a kind of refuse among those skilled in the fine arts. The same gentleman, he believed, also moved an appropriation of a large sum to purchase the library of the Italian Count Bourtellini; and, indeed, from a knowledge of that gentleman's votes in regard to such objects, and in regard to the numerous claims presented at every session to draw money from the Treasury, he thought it would be difficult to make an appeal to his feelings which would not meet with success from the magnificence and profusion of his generosity. What he complained of was, that those who had been the greatest offenders themselves, were now not very candidly endeavoring to impute the offence to others. He could not, so far as these repeated imputations of extravagance tended to identify him with them, hear them with patience or composure. He had, for the last nine years, steadily voted against appropriations for objects of internal improvement. He had almost in every instance, if not in every one, voted against harbor bills, which have been one of the largest items of expense, because they had almost invariably contained some appropriations that he believed unconstitutional. He had voted against the act in 1832, by which the militia of the Revolution were pensioned, which had run the item of pensions up to a sum of more than four millions annually, and which was at that time, viewed by him as one of the means by which the tariff party sought to keep up a high tariff, by increasing expenditure. Yet many of the individuals who voted for that most extravagant measure, now talk about an increase of the public expenditures, as if *they themselves* had not been the chief agents of doing it! He had not only voted against extravagant expenditures, but he had made it a cardinal rule of his action to vote against creating any addition to the number of officers under the Federal Government, unless indispensable to the execution of some new law, required, as he thought, by the good of the country.

He was gratified to hear gentlemen speak of economy who had practised so little of it. It had uniformly been his doctrine in every situation of his public life. He hoped that they would, in good faith, unite in carrying it out into practice, and not "keep the promise to the ear, and break it to the hope."

The Senator from Kentucky, in his remarks

of to-day, repudiates the doctrine attributed to him by gentlemen in debate, of wishing to raise money for purposes other than the wants of the Government, but at the same time again enforces upon our attention the merits of his bill for the distribution of the proceeds arising from the sales of the public lands among the several States. What is this but substantially a proposition to increase the tariff? It is now very clear, under the operation of the gradual decrease of the duties, that the money accruing from all sources, the public lands included, will not be more than sufficient to meet a reasonable system of public expenditure, under the General Government. It therefore follows, as a most undeniable and conclusive consequence, if the money arising from the public lands is taken from the public Treasury and given to the States, that just so much more must be raised from the people of the States to supply the deficiency, which can be done only in one of two ways, either by a system of direct taxation, or an increase of the tariff. The bill of the Senator, therefore, is emphatically a tariff measure in its end and effect. It should be entitled "a bill to distribute the proceeds of the sales of the public lands among the several States, to raise the duties on imports, and for other purposes," &c. The South never can consent to revive a system, either directly or indirectly, which had annihilated her prosperity for years, and converted her planters into mere stewards of their own estates for the benefit of others—a system, the ruin of which, to her best interests, is most palpably demonstrated, from the fact that, in proportion as it goes down, her prosperity is rapidly recovering. He repeated, that the South never could consent to see it revived, openly or otherwise, unless she was prepared for self-destruction and self-immolation.

On motion of Mr. PRESTON the subject was postponed until Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 13.

Futility of Constitutional Resolutions.

Mr. ADAMS asked leave to submit the following:

Resolved, That the powers of Congress, being conferred by the Constitution of the United States, no resolution of this House can add to or deduct from them.

Abolition of Slavery.

Mr. WISE then asked leave to submit the following resolutions, as propositions containing his sentiments, and what he believed to be the real sentiments of the whole South:

1. *Resolved*, That Congress has no power to abolish slavery in the District of Columbia, or in the Territories of the United States; *whether such power in the said District or Territories be exercised "as a means, or with the view, of disturbing and overthrowing slavery in the States" or not.*

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2. *Resolved*, That Congress has no power to abolish the slave-trade, or prohibit the removal of slaves between the States, or between the States and the District of Columbia or Territories of the United States.

3. *Resolved*, That Congress cannot receive or consider petitions for the exercise of any powers whatever over the subject of slavery, which Congress does not possess.

4. *Resolved*, That the laws of Congress alone govern in prescribing and regulating the mode and manner in which fugitive slaves shall be apprehended, and their rights to freedom held in the non-slaveholding States, District of Columbia and Territories, and the mode and manner in which they shall be restored or delivered to their owners in the slave States.

5. *Resolved*, That Congress has no power to impose upon any State the abolition of slavery in its limits, as a condition of admission into this Union.

6. *Resolved*, That the citizens of the slaveholding States of this Union have the constitutional right *voluntarily* to take their slaves to or through a non-slaveholding State, and to sojourn or remain temporarily with such slaves in the same, and the slaves are not thereby *ipso facto* emancipated; and the General Government is constitutionally bound to protect the rights of slaveholding States; and that laws of non-slaveholding States in conflict with the laws of Congress providing for such protection, are null and void.

MR. CALHOON, of Kentucky, asked the gentleman to accept some he held in his hand as a modification of his own.

MR. WISE hoped his friend would not embarrass him. He had consulted one of his colleagues; and, in asking leave to introduce these propositions, he would not only pledge himself not to debate them, but he would move, what he deprecated, the previous question.

MR. RIVES inquired if they did not fall within the scope of the last resolution adopted yesterday? (ordering all papers on the subject of slavery to be laid on the table.)

THE CHAIR replied that the resolutions were not yet before the House, the motion being for leave to introduce them.

Several members said, "object to them."

MR. RIVES did so, and MR. WISE moved a suspension of the rules, calling for the yeas and nays; which, being ordered, were—yeas 113, nays 96.

So the motion to suspend was decided in the negative, there not being two-thirds voting for the motion.

MR. SLADE asked leave to submit the following:

Whereas there exists, and is carried on between the ports in the District of Columbia and other ports of the United States, and under the sanction of the laws thereof, a trade in human beings, whereby thousands of them are annually sold and transported from said District to distant parts of the country, in vessels belonging to citizens of the United States; and whereas, such trade involves an outrageous violation of human rights, is a disgrace to the country by whose laws it is sanctioned, and calls for the immediate interposition of legislative authority for its suppression: therefore, to the end

that all obstacles to the consideration of this subject may be removed, and a remedy for the evil speedily provided,

Resolved, That so much of the fifth of the resolutions on the subject of slavery, passed by this House on the 11th and 12th of the present month, as relates to the "removal of slaves from State to State," and prohibits the action of this House on "every petition, memorial, resolution, proposition, or paper touching" the same, be, and hereby is rescinded.

Objections being made, MR. S. moved a suspension of the rules, and demanded the yeas and nays; which, being ordered, were—yeas 55, nays 157.

So the House refused to suspend the rules.

Election of Chaplain.

On motion of MR. GREENELL,

The House proceeded to the execution of the order of Monday, for the election of a Chaplain on its part, when the Rev. MR. REESE was declared duly elected.

IN SENATE.

MONDAY, December 17.

Fourth Instalment.

The bill to postpone the fourth instalment of the deposit act was taken up as the order of the day; when

MR. PRESTON said his object in rising, when this subject was last before the Senate, was to refute and correct a misrepresentation respecting his position in regard to it. He had given his support originally to the measure, but it was as a deposit bill, not as one for distribution. Although aware of the necessity of getting rid of the accumulated surplus, had he known its practical effect, he could not, except as an extreme necessity, have voted for it. What he had said the other day was applicable to the bill as it was practically and in effect—a bill for distribution instead of deposit. As a deposit act, it provided that the Secretary of the Treasury might reclaim the moneys from the States whenever the exigencies of the Government rendered it necessary; but at a subsequent session it was so amended, at the instance of an honorable Senator from Pennsylvania, (MR. BUCHANAN,) as to take this discretion from the Secretary. When it was proposed to create a national debt, he was willing to have moved for the recall of this money. The honorable Senator from Virginia (MR. RIVES) said that to have recalled it at the last session, during the fiscal embarrassments, would have been ruinous to the States, and that nothing but a foreign war would be a justifiable cause for so doing; but I think that the States could, by their credit, have easily raised means to pay off this debt. Under that state of affairs, Congress decided in favor of a national debt, in preference to reclaiming the deposit with the States. One great benefit expected from the operation of this act was, that whenever the

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British Outrage at Schlosser, on the Caroline.

[DECEMBER, 1838.]

Government was disposed to a prodigality of expenditure, the States would be induced to interpose and arrest the evil. Did they do so? It was expected that whenever the wants of the Government required more than their immediate means, these deposits would be a source for us to draw on to supply the deficiency. Did we do so? No, sir; we have a national debt existing, on which we are paying interest, while the money is still in deposit with the States. Congress has, by its legislation, declared its most unequivocal condemnation of the deposit act. I do not reprobate the bill as passed, but think that, as no human being entertains the idea that this money will be ever paid, the most honest plan will be to strike it from the statute book altogether.

The question was then taken on Mr. CLAY'S amendment to postpone the instalment to the 1st of January, 1840, and decided in the negative as follows:

YEAS.—Messrs. Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Knight, Merrick, Prentiss, Rivers, Robbins, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, and Tipton—17.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Lumpkin, Lyon, Morris, Nicholas, Norvell, Pierce, Preston, Roane, Robinson, Smith of Connecticut, Strange, Walker, Wall, Williams of Maine, Williams of Mississippi, Wright, and Young—26.

The bill was then ordered to be engrossed for a third reading, without a division.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 20.

Anti-Slavery and Anti-Texas Annexation Petitions; and Petitions for Diplomatic Inter-course with Hayti.

Mr. ADAMS presented a large number of petitions from various States, (including one or two from Ohio county, Virginia,) praying for the abolition of slavery and the slave-trade, remonstrating against the admission of any new slaveholding State, against the annexation of Texas, for international relations with Hayti, &c. The Abolition petitions were laid on the table under Mr. ATHERTON'S resolution, and the others were disposed of as stated above.

Mr. CUSHING, for the purpose, he said, of economizing the time of the House, would present, to-day, but one of the many Abolition petitions intrusted to his charge, and would postpone the others to a future day.

Mr. C. availed himself of that opportunity to pronounce the resolution ordering those petitions on the table, to be unconstitutional, to protest against it, and asked that his protest might be entered on the journal.

The CHAIR ruled it to be out of order.

WEDNESDAY, December 26.

The SPEAKER communicated a letter from the Honorable JOHN FAIRFIELD a member from the

State of Maine, resigning his seat in the present Congress; which, on motion of Mr. ANDERSON, was laid on the table, and the SPEAKER directed to notify the Executive of Maine of the fact.

IN SENATE.

MONDAY, December 31.

Financial Policy.

Mr. ALLEN submitted the following resolutions, which lay over:

Resolved, That the financial policy established at the origin of this Government by the first acts of its legislation, and especially by the 30th section of the "Act to regulate the collection of duties, &c.," approved by President Washington July 31st, 1789, and by the 4th section of the "Act to establish the Treasury Department, &c.," approved by President Washington September 2d, 1789, was in strict conformity to the plain and frugal genius of a Republic, and to the fundamental principles of the constitution.

Resolved, That that policy has, by a long series of subsequent acts, been departed from, and ought to be restored in the future administration of the Government. And, therefore,

Resolved, That the Government ought to collect no more taxes from the people, either directly or indirectly, than are absolutely necessary to an economical administration of its affairs.

Resolved, That the taxes paid by the people ought not to be loaned out, by the Government, to individuals or to corporations.

Resolved, That the taxes so paid by the people, ought not to be placed by the Government in the custody of agents, who are not made by the constitution and the laws responsible to the people.

Resolved, That those legal provisions by which the Government was originally required, in the transaction of its own affairs, to receive and to tender, in payment, as money, nothing but that which is made a legal tender by the constitution, ought to be revived, with those modifications only, as to time and proportion, suggested by the present condition of the country.

HOUSE OF REPRESENTATIVES.

MONDAY, December 31.

British outrage at Schlosser, on the Caroline.

Mr. CUSHING submitted the following resolutions:

Resolved, That the President of the United States be requested, if in his judgment not incompatible with the public interests, to communicate to this House—

1. The correspondence, if any, which has been had between the Government of the United States and that of Great Britain, or the military or civil authorities of either, in relation to the troubles in the British Provinces of Upper or Lower Canada, and to alleged violations of neutrality on the part, whether of Great Britain, or of the United States, or any of the officers, subjects, or citizens of each.

2. The correspondence had, or measures taken by the Executive, if any, regarding citizens of the

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Wisconsin Election Case.

[25TH CONG.]

United States made prisoners of war at any time in any of the insurrectionary movements of Upper or Lower Canada.

3. Whether the Government of Great Britain has made reparation for the seizure and destruction of the steamboat *Caroline*, within the waters of the United States, and the murder of American citizens on board the same by a band of armed invaders from the province of Upper Canada, acting under the orders and authority of the Colonial Government of said province.

4. Whether the Government of the United States has entered into negotiations with that of Great Britain, for the purpose of arresting and preventing the further distribution of presents and payment of war subsidies by the latter Government to the Indian tribes, within the territorial limits and jurisdiction of the United States; and, if so, what has been the result of the said negotiations.

5. Whether the Government of the United States have given to that of Great Britain the stipulated notice to annul and abrogate the convention of the 6th of September, 1827, under cover of which, and of the convention of the 20th October, 1818, the Hudson's Bay Company has proceeded, with permission, or by connivance of the Government of Great Britain, to establish military posts in the territories of the United States beyond the Rocky Mountains.

6. Whether the Government of the United States has taken any measures, and if any, what, to adjust, settle, and mark the boundaries between the United States and the British Provinces in North America, from St. Mary's Falls, between Lake Huron and Lake Superior; and so northwardly and westwardly along the frontier of the State of Michigan and the Territories of Wisconsin and Iowa, to the Rocky Mountains.

7. What correspondence, if any, the Government of the United States has had with that of Great Britain, or any of its authorities or officers, or with the Government of the State of Maine, in regard to the late survey or investigation of the North-eastern boundary line of the United States by the Government of said State.

8. Whether any correspondence has recently passed between the British and American Governments relative to the free navigation of the navigable rivers conterminous to the United States and the British possessions in North America, or of navigable rivers running in part or in whole through the territories of both Governments: and if so, the results of the same.

The resolutions were then laid on the table, and ordered to be printed.

The Monroe Doctrine.

Mr. CUSHING then said the discharge of his particular duties as a member of the House, had called his attention to another subject of inquiry, perfectly unexceptionable in itself, and of the deepest immediate interest to the whole Union, and more especially to the States of the South-west. He asked that the resolution of inquiry should be read, in order that the House might judge whether they would permit him to offer it at this time; which he would not ask if the subject were not one of pressing, immediate importance.

The House assenting, Mr. C. offered the following resolution; which was read, and ordered to be printed, and lies over one day, under the rules.

Whereas, in the Message of the President of the United States at the opening of the eighteenth Congress, it was, among other things, avowed and proclaimed as the settled national policy of the United States, that "in the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do;" that "with the movements in this hemisphere we are, of necessity, more immediately connected;" that "we owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety;" that "with the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere; but with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States;" and that "it is impossible, therefore, that we should behold such interposition, in any form, with indifference."

Resolved, therefore, That the President of the United States be requested to inform this House, if the same be not in his judgment incompatible with the public interest, what explanations the King of the French has rendered to the United States in relation to the recent blockade of a part of the coast of the Mexican Republic by France; the treatment of vessels of the United States, public or private, by the blockading squadron; the reduction of the castle of San Juan de Ulloa; and the ulterior views and designs of the French Government respecting the Mexican Republic. Also, to inform the House whether he has proffered to either of the contending parties the mediation of the United States in the premises; and to communicate any correspondence on the subjects aforesaid which may have passed between the Government of the United States and that of France.

On motion of Mr. CUSHING, ordered to be printed.

THURSDAY, January 3, 1839.

Wisconsin Election Case.

At one o'clock, the special order of the day, being the consideration of the contested election for a delegate from Wisconsin Territory, came up.

The question was on the adoption of the following resolution of the Committee on Elections:

Resolved, That James Duane Doty is entitled to a seat in this House as a delegate from Wisconsin Territory, and that George W. Jones is not so entitled.

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Public Lands.

[JANUARY, 1839.]

Mr. THOMAS moved to amend the resolution by transposing the names, so as to declare Mr. Jones entitled to the seat, and proceeded at length to oppose the conclusions of the report.

Mr. CUSHING was understood to argue in favor of vacating the seat of the sitting delegate, upon the ground of the irregularity and illegality of the tenure by which he held it, and in favor of the amendment of Mr. THOMAS; and intimated that he would, at the proper time, move a division of the question.

The question was further argued by Messrs. RANDOLPH, CRARY, FLETCHER, and TILLINGHAST, in favor of the resolution as reported by the committee.

Mr. DEGRAFF having obtained the floor, moved the previous question; which motion was sustained, and the main question was ordered.

The question being upon concurring with the resolution as reported by the committee—

The House then adopted the resolution of the committee by the following vote:—yeas 165, nays 25.

FRIDAY, January 4.

Public Lands.

Mr. TALIAFERRO submitted the following preamble and resolutions, which were referred to the Select Committee on the Public Lands.

Whereas the Continental Congress for the then confederacy of the United States, did, by resolution, in the year 1780, recommend to the several States of the confederacy, or Federal Union, having claims to Western lands, a liberal surrender thereof, as a common fund, *in aid of establishing the public credit, and to discharge the debt incurred by the then existing war with Great Britain.*

And, whereas, the State of Virginia, responding to the said recommendation of Congress, did, on the second day of January, by an act of her Legislative Assembly, adopt and submit to Congress, for their consideration and acceptance, the terms and conditions on which that State would surrender to the United States, *for the purpose aforesaid*, all the lands within the chartered boundaries of Virginia, north and west of the river Ohio.

And, whereas, Congress having the said terms and conditions of cession, proposed by the State of Virginia, under consideration, resolved on the day of September, 1783, to accept the same, with the exception only of a stipulation in said terms of cession, requiring the United States to guarantee to Virginia the residue of her Western territory, lying south and east of the river Ohio.

And, whereas, the State of Virginia, assenting to the proposed exclusion from her terms of cession, did, by an act of her Legislative Assembly, authorize her then delegates in Congress, to execute the contemplated deed of cession; whereupon, and in virtue of the full powers vested in them, the said delegates, then present, did, on the first day of March, 1784, execute a conveyance to the United States, of all the lands to which Virginia had claim, north and west of the river Ohio, according to the *original*

terms and conditions proposed by Virginia to Congress, for the cession thereof, with the exception *only* of the guarantee aforesaid, proposed by Congress, to be excluded therefrom, and assented to by Virginia, as aforesaid.

And, whereas, the *original* terms and conditions proposed by Virginia, and assented to by Congress, for the cession by that State of all her lands north and west of the Ohio, impose the following obligations on Congress:

1. That, provided the State of Virginia had not reserved a sufficient quantity of *good land* on the south-east side of the river Ohio to satisfy the land bounty promised by Virginia to her officers and soldiers who served in the continental line of the army, and who served in her own State establishment, that Congress should make up such deficiency, and of *good lands* lying between the Scioto and Miami Rivers.

2. The aforesaid terms and conditions of cession provide, and it is so expressed in the deed, "that all the lands in the territory hereby ceded to the United States, and not reserved or appropriated to any of the *before-mentioned purposes*, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a *common fund* for the *sole use and benefit* of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their respective proportions of the general charge and expenditure, and shall be *faithfully and bona fide disposed of for that purpose*, and for *no other use or purpose whatever.*"

Resolved, That the Select Committee to whom that part of the report of the Secretary of the Treasury in relation to the public lands was referred, be instructed to inquire and report whether the conveyance of the lands above referred to by Virginia to the United States, is not a conveyance in trust for the specific objects expressly enumerated in the deed of cession.

2. Whether those objects have been satisfied, and, especially, whether Congress, out of the ceded territory, has made provision for the deficit of *good lands* on the south-east side of the Ohio River, to satisfy the land bounty promised by the State of Virginia to the officers and soldiers of the Virginia line on continental establishment; if not, ought to be promptly made for that purpose.

3. What quantity of the ceded territory has been, or the proceeds thereof, devoted and applied towards the specific objects enumerated in the deed of cession; and what quantity of the said territory has been devoted to uses and purposes, *not* comprehended in the terms and conditions of cession; finally, if it shall appear, that there will be a surplus of land in the ceded territory beyond what is required to satisfy the objects and purposes specially enumerated in the *original* terms and conditions, in pursuance of which the deed of cession was executed; whether Congress is not bound by the manifest intention of that deed, to provide for a prompt and "*bona fide*" distribution of the proceeds of the remaining lands, including the value of so much of these lands, if any, as may have been devoted to purposes not warranted by the deed, amongst the States of the Union, according to the ratio of distribution specified in the deed of cession, for the sole use and benefit of the said States; and that the committee have leave to report by bill.

SATURDAY, January 5.

Question of Pay to Geo. W. Jones, Esq., late Sitting Delegate from Wisconsin.

Mr. MASON, of Ohio, asked leave to present a resolution; which was read as follows:

Resolved, That the Hon. J. W. JONES, late delegate from the Territory of Wisconsin, is *not* entitled to his mileage and per diem allowance for his attendance at the present session.

Mr. WISE objected; whereupon

Mr. MASON said as it was a matter of some importance, he would move that the rules be suspended; and upon which motion, he called for the yeas and nays.

The SPEAKER stated that he had received a communication upon the subject from Mr. Jones, and would prefer that the House would come to some decision upon it. He then laid before the House the following letters, which were read:

HOUSE OF REPRESENTATIVES,

January 4, 1839.

SIR: I take this mode of informing you that a resolution will, at the earliest opportunity, be introduced to this House, denying your right to receive any compensation as delegate to the present session of Congress.

I am, sir, with respect,

Your obedient servant,

J. R. GIDDINGS.

HON. GEORGE W. JONES, Washington City.

WASHINGTON CITY, D. C.

January 5, 1839.

SIR: Considering myself entitled, under the usage of the House, and the laws of the United States, to receive my mileage and per diem compensation as the sitting delegate from the Territory of Wisconsin, I received from the Sergeant-at-arms, on the 20th ultimo, a check on the Bank of Washington for my mileage and per diem allowance up to that date.

Having received last evening the accompanying communication from a member of the House, Hon. J. R. GIDDINGS, of Ohio, and not feeling willing to retain in my hands the compensation alluded to, unless most *clearly* so entitled, I respectfully return to the House, through you, the *original* check, to be cancelled by the House, if in their judgment I am not entitled to it.

I came here under the solemn conviction that I was the rightful delegate of the people of Wisconsin, to serve them here as such until the 4th of March next. This opinion was strengthened by the advice of able counsel, before and since my arrival here. I entertain the same opinion still, but will submit to the decision of the House in both cases without a murmur.

Very respectfully,

Your obedient servant,

GEO. W. JONES.

HON. JAMES K. POLK,

Speaker of the House of Representatives.

The SPEAKER, with the permission of the House, made a brief explanation of the course of the Sergeant-at-arms and the presiding officer of the House.

By the journal of the extra session, at the

opening of the present Congress in September, 1837, it appeared that "George Wallace Jones appeared as the delegate from the Territory of Wisconsin, was sworn to support the Constitution of the United States, and took a seat in the House." No certificates of election of members or delegates were presented at the time of qualification, and the Speaker could not know under what authority they took their seats. Mr. Jones was sworn, and took a seat.

At the commencement of the present session Mr. Jones appeared in his seat, claiming to be the rightful sitting delegate from Wisconsin. When the claim of Mr. Doty was presented, Mr. Jones rose in his place and asserted his right. The House, by its acquiescence, recognized him as the sitting delegate, and took order in the case, by referring the claim to a seat, as the delegate from Wisconsin to the Committee of Elections. Mr. Jones continued in his seat as the sitting delegate. He, at various times, as the journal shows, presented petitions and resolutions, and participated in the business of the House, as the sitting delegate. This was permitted by the acquiescence of the House, until the right to the seat was decided by the House. Whilst Mr. Jones was thus the sitting delegate, in his seat, in discharge of his duties as such, the Sergeant-at-arms or the presiding officer had no right or power to inquire whether he was rightfully there. That was a question which the House alone could decide. The law regulating the pay of members and delegates, for aught that appeared of record, entitled him to his compensation until the time he was ousted by a vote of the House. He called for his compensation, and neither the Sergeant-at-arms nor the Speaker had any discretion to refuse it under the law. The check for his compensation was made out in the usual way, by the Sergeant-at-arms, and signed under the law. Since taking the chair this morning, the letter from Mr. Jones had been laid on his table. And now the question of compensation, under the resolution before the House, was an open one. The House alone can by its order refuse the compensation. Under the law, the Sergeant and Speaker cannot. The Speaker expressed the hope that the House would decide the question, and thus relieve the subject from all doubt and embarrassment.

A long debate then ensued, in which the resolution was advocated by Messrs. MASON of Ohio, and GIDDINGS, and opposed by Messrs. WISE, BOULDIN, THOMAS, POPE, CALHOON of Kentucky, BRONSON, and BIDDLE. The latter, at the conclusion of his remarks, moved the previous question; which was seconded.

The question being upon the adoption of the resolution, Mr. GRIFFIN demanded the yeas and nays; which were ordered.

Mr. THOMAS inquired of the Speaker whether, in case the resolution should be rejected, he would consider it as authority to pay Mr. Jones his per diem and mileage.

•The Speaker said he should so consider it.

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Anti-Slavery and Anti-Texas Annexation Petitions.

[JANUARY, 1839.]

The question was then put upon the adoption of the resolution, and decided in the negative — years 89, nays 96.

IN SENATE.

MONDAY, January 7.

Transfer of Canal Stock to the State of Maryland.

Mr. WALKER, in pursuance of notice given, asked and obtained leave to introduce a bill to authorize the transfer, on certain conditions, to the State of Maryland, of the stock held by the United States in the Chesapeake and Ohio Canal Company.

Mr. W. on asking leave, said that on the 9th of April last, the Senate, upon his motion, had adopted a resolution calling upon the Secretary of the Treasury for information as to the dividends received, and present market value of the stock held by the United States in various canal companies. To this call the Secretary of the Treasury had responded in a statement, showing that the Government had never received any dividend from its stock in the Chesapeake and Ohio Canal Company, that this stock is much below par, and that it is doubtful whether it can be converted into money at any price. Mr. W. said, as this stock was yielding nothing to the Government, and could not be sold for money, he was willing to transfer it for a reasonable equivalent to the State of Maryland. This equivalent was, that the State of Maryland should cause, within a specified period, this canal to be completed to the Ohio River; and that when completed, the canal, throughout its entire distance, should be forever free for the transportation of any property, troops, or seamen of the United States, without the payment of any toll or charge whatever. This bill then involved the exercise of no doubtful nor disputed constitutional power, but simply provided for the sale for a reasonable equivalent of this stock to the State of Maryland.

The bill was read twice, and referred to the Committee on Roads and Canals.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 8.

Money received for Customs.

Mr. HUNTER, of Virginia, asked leave of the House to present and have printed the following resolution :

Resolved, That a Select Committee be appointed to inquire into the expediency of reporting a bill which shall provide :

1. That all money hereafter to be received by the United States for customs, shall be paid on four certain days fixed, at intervals of three months, the duties required by the existing laws to be paid in cash, to be secured by bonds with approved security, bearing interest at the rate of six per centum per annum from its date until paid, and payable at the next

fixed quarterly day, unless it bears date within twenty days of that period, in which case it is to be payable on the next succeeding day fixed for payments to the United States. But if the importer be entitled to credit under the existing laws, the sum due is to be diminished by a discount at the rate of six per centum for the time through which the said credit extends, and the sum thus ascertained to be secured by bond as aforesaid under the limitations above prescribed.

2. That all debts due from the United States shall be made payable, so far as practicable, on four certain days, occurring at intervals of three months, and fixed at twenty days respectively after the days fixed as aforesaid for payment to the United States. These debts, in all cases when practicable, to be made payable at the next day of disbursement, unless incurred within twenty days of that time; in which case to be payable at the second succeeding day fixed for that purpose. But if the public creditor should fail to present his claim at the place at which it is payable when due, or within ——— days of that time, then the United States to be absolved from all responsibility for any failure in the disbursing agent at that place to pay the said creditor: *Provided, however*, That the said agent and his sureties shall be liable, in their individual capacity, to pay to the said creditor any sums received for his use, upon demand, and without interest.

3. That all requisitions on the Treasury Department by other Departments of this Government for sums to be disbursed at the next day fixed for that purpose, shall be made at least twenty days before the day fixed for public receipts, and next succeeding that of the requisition.

4. That the Secretary of the Treasury after a comparison of the liabilities to and from the Government, at the next succeeding days of receipt and disbursement, shall ascertain the probable surplus which will be due to the United States upon the next quarterly day of receipt, after collecting what will be sufficient to discharge the debts due from the Government at the next disbursing day, together with whatever sum may be needful as a cash surplus for emergencies of the Department not otherwise provided for. The debtors of the United States to be entitled to an extended credit upon the surplus thus ascertained, upon their giving bonds, with approved sureties, bearing interest as aforesaid, up to the quarterly day of the receipts next succeeding that at which the original bond was due. Each public debtor offering security as aforesaid, to be entitled to this further credit upon an equal proportion of his debt; which proportion is to be specified by public advertisement of the Secretary of the Treasury, at least twenty days before the next succeeding day of receipt. But all bonds given for the surplus as aforesaid, to be wholly collected at the next quarter when due, before any portion is demanded of their bonds given, when the debt for duties was increased.

The resolution was then laid on the table and ordered to be printed.

IN SENATE.

WEDNESDAY, January 9.

Anti-Slavery and Anti-Texas Annexation Petitions.

Mr. PRENTISS presented certain resolutions of the Legislature of the State of Vermont, in-

structing their Senators and requesting their Representatives to use their efforts to prevent the passage of any law for the annexation of Texas to the Union, and to procure the passage of a law for the abolition of slavery and the slave-trade in the District of Columbia, and the Territories of the Union—and of the slave-trade between the several States; and also protesting against certain resolutions (ATHERTON'S) adopted by the House of Representatives, as unconstitutional; which Mr. P. moved should be laid upon the table, and ordered to be printed.

The question was, on motion of Mr. FOSTER, divided, and the first division was agreed to.

The question coming up on the second division, viz: to print the resolution,

Mr. PRENTISS said he had made the motion to print these resolutions, because he supposed it would be an act of proper courtesy to the Legislature from whom they come. When he presented them, he had not the slightest idea that any serious objections would be made to them, or that they would excite any debate, and he would say to gentlemen of the South, that the course which they were pursuing was precisely the course to increase the number, and augment the strength of the Abolitionists; and he thought it in other respects impolitic and injurious, as well as wrong and unreasonable in itself.

The virtual rejection of petitions here was regarded as an infraction of the right of petition, and this was connected with the great subject of abolition, and had given to it a power not properly its own, so that those who were opposed to extreme and premature measures, and who wished to prevent useless excitement and agitation, found themselves powerless in consequence of this connection; and if this course were persisted in, they would be obliged to give way entirely. Mr. P. trusted these resolutions would be printed as an act of common courtesy, and he called for the yeas and nays on the question, which were ordered.

Mr. CALHOUN confessed that he was amazed when he saw a gentleman of the calmness and correct judgment of the Senator from Vermont, pursuing the course that he did. That there should be any man of any intelligence whatever, who did not see that this question strikes at the very foundation of the Union, alienating one portion of it from the other, and that it tended to the overthrow of the best hopes of mankind, indeed surprised him. Nor was it less wonderful to him, that any gentleman of that description should pretend to say that the best course of Southern gentlemen was to permit the Abolitionists to come here and urge the question whenever they pleased. They tell us, said Mr. C., that we have no right to our own estates; that a large part of our property is held without law; and that they have the right to come here week after week, year after year, questioning our right to it, and calumniating our character, while the best mode for us to pursue is to be quiet. Sir, said Mr. C., I would not

have made these observations if the remarks that called them forth had not come from a respectable quarter. The course of the gentleman from Vermont was a striking proof that on all questions of deep excitement the strongest minds may be carried away. Mr. C. would say to the Senator from Vermont, that this thing must be arrested at home, by strong measures, or the South would take care of itself.

Mr. PRENTISS said that he had simply asked that these resolutions might be printed, as a mark of the courtesy usually evinced to States of this Union. He did not enter into any argument on the question of abolition. Neither he nor any other Senator from the North had, on any occasion, been found to agitate that question. The fault, if it was one, lay in another quarter. He wished merely to discharge an obvious duty. If he found it certain that he could not carry out his own opinions on the subject of slavery, which he trusted were well known, he thought it best to defer the attempt to a more favorable opportunity. These resolutions were passed by the Legislature of Vermont in consequence of petitions requiring their passage. They were resolutions of instruction, and so far as he was concerned, he wished to discharge the duty imposed upon him.

Mr. KING found no fault with the Senator from Vermont for discharging his duty to his State, in presenting such resolutions as they thought proper to charge him with. He waived, therefore, under these considerations, any objections to receiving these resolutions. They came from a sovereign State; but whether that State was true to the principles which should govern every member of the Confederacy, was another question. With regard to the prayer of these resolutions, every man of common intelligence knew that if it were granted, this Union would not last twenty-four hours. He knew that he and every man from that section of the Union which would be so grossly outraged by such a measure, would instantly, on the adoption of it, retire from their seats. He would, in such an event, return to his constituents, and tell them that the compact was broken, the constitution violated, and their property taken away from them, and that he, as their representative, could render them no further service by remaining where he was. Believing that such would be the inevitable consequences of carrying out the doctrines contained in these resolutions, he could not consent to give them any circulation. What was the object of the Senator from Vermont, in wishing to have these resolutions printed? The Senator himself declared that he did not expect any such thing as action on those resolutions; and yet he wished to have them printed: for what? To give encouragement to these people, to send out more memorials to act on their Legislature, inducing them to interfere with matters which do not belong to them. If that was the object of the gentleman, and he trusted and believed it was not, he might have some reason for urg-

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ing the printing of these papers; but as he had a great respect for the gentleman, and believed that he had no such object in view, he was at a loss to conceive why he persisted in the motion. He thanked the gentleman for warning the South of what became their duty, under the present state of excitement on this subject. Sir, said Mr. K., we will discharge our duty to ourselves and our constituents, without asking advice from the gentleman from Vermont, or from his Legislature, or the Legislature of any other State. He had hoped that they would have been spared, in this body, the agitating of this exciting subject. He knew that it had taken place elsewhere in a manner highly disgraceful, but he had confidently expected that this body would escape it, and that the Senator from Vermont would be the last man to bring it up. He regretted the necessity of making these few observations, but he was compelled to do so, because he thought the Senator from Vermont was forcing this matter beyond what was necessary.

Mr. LUMPKIN said his object in rising was to move that the motion to print be laid upon the table. But before he submitted that motion, he would remark that he fully concurred in the remarks of the Senators from South Carolina and Alabama, (Mr. CALHOUN and Mr. KING.) And that he felt no disposition to countenance or respect attempts to agitate the question of slavery, the more, because it was brought before the Senate by the proceedings of a sovereign State. No, sir, said Mr. L., the agitation of this question, by obscure and ignorant individuals, is harmless and innocent, when compared with the proceedings of the Legislature of Vermont. Yet the Senator from Vermont (Mr. PRENTISS) admonishes the South to be cool and quiet, to disregard the efforts of those who are constantly warring against their rights and interests. Sir, said Mr. L., this advice reminds me of a robber, who, while he has his hand in my pocket, takes from me that to which he has no just claim, ceases not to admonish me to be quiet, be easy—he will do me no harm. Every lover of this Union should cease to agitate this question. The interference of the Abolitionists and their supporters with the domestic concerns of the South is daily becoming more offensive. These proceedings are rapidly alienating the affections of one portion of the Union from the other. We should circulate nothing from this Senate calculated to increase excitement and prejudice. Under this view of the subject, I move to lay the motion to print on the table.

The question was then taken on Mr. LUMPKIN's motion to lay the motion to print on the table, and carried—yeas 29, nays 8.

MONDAY, January 14.

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Mr. BROWN said he rose to present to the Senate certain resolutions which had been adopted by the General Assembly of the State of

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North Carolina, at their late session, expressive of their views and opinions in regard to some of the important measures and questions of public policy, which have been, and now are, pending before the country. However uncourtous some of the language was in reference to a late act of this body, which it had performed in the exercise of its high constitutional powers, and profoundly as he regretted that expressions derogating from the respect due to this body were embraced in the resolutions, yet he could not hesitate, in obedience to a proper sense of respect to the Legislature of his State, to offer them, in compliance with the request contained in one of the resolutions.

It was alike due to himself, to his constituents, and to the importance of the occasion itself, to state very explicitly the view he took of the resolutions, and the course which high considerations of public duty required that he should pursue in regard to them. He felt the deep responsibility under which he acted, and had given to the subject that anxious deliberation which its public importance and the great questions of public interest involved in it demanded.

In regard to most of the resolutions, it would readily be perceived that the opinions expressed in them directly conflict with the course which he had heretofore pursued on the measures of public policy to which they refer, and that a principle is asserted in one of them, in regard to a question of constitutional power, entirely at variance with his vote on the resolution ordering the expunction of the condemnatory resolution passed against President Jackson, for removing the public deposits from the late Bank of the United States. In relation to extravagant expenditure, and Executive patronage, referred to by two others of the resolutions, his votes would most abundantly prove that his whole course had been, since honored with a seat in that body, to diminish both as far as it was practicable for him to do so.

Having very briefly adverted to the political character of the resolutions, the next inquiry which presents itself for consideration is, whether they are to be viewed by my honorable colleague and myself as instructions, or as the mere expressions of the opinions of the Legislature, leaving us to a discretionary power in exercising our judgments on the subjects to which they relate. That they are not to be considered as *instructions*, the proofs, to his mind, were clear and irresistible. They do not, on their face, profess to *instruct*, but, on the contrary, that word, or any other of mandatory import, is omitted with the most *guarded* caution; omitted no doubt not by accident, but by design. What could have been the intention for omitting it? The motive clearly was, not to commit the party passing these resolutions to the doctrine of instructions. Whenever, said Mr. B., the General Assembly of North Carolina has thought proper, on former occasions, to resort to the great Republican principle of instruction, it has spoken out in bold,

frank, and unequivocal language. It has, by directly instructing the Senators representing the State, taken the responsibility on itself of the vote which it commanded them to give. A positive command, by instructions, from the Legislature of a State to its Senators to give a particular vote, places the vote under the control of the Legislature, and is, in effect, the vote of the power commanding it; thereby taking from the Senator all discretion, and consequently, relieving him from all responsibility to the people of the State. The Legislature, therefore, does not take on itself the responsibility of the Senator's vote unless it *instructs* him. On the contrary, if it declines to instruct him, it declines taking the responsibility of his vote, and, therefore, has no right to expect him to express their opinions when they refuse to take on themselves the consequences of his vote to the people of the State. The Legislature of North Carolina has long since established the principle that they had the right to *instruct*, and so essential has the employment of that word been considered to the efficacy of resolutions of instruction, that the Republicans of that State have invariably employed it on all great occasions when they intended to command the votes of their Senators.

Mr. B. said in referring to the journals of the Senate, he perceived that the late venerable Mr. Macon, then a member of this body, had presented resolutions, passed by the Legislature of North Carolina at their session of 1816, instructing their Senators to endeavor to procure certain amendments to the constitution in relation to the mode of electing President and Vice President of the United States. The Legislature which adopted them resolved, in one of the resolutions, "that our Senators in the Congress of the United States be *instructed*, and our Representatives be *requested*, to endeavor to obtain the said amendment to the Constitution of the United States." At the succeeding session of the Legislature of North Carolina the same resolutions were again adopted, and again asserted, in the same language, the right of instruction. That the General Assembly then considered mandatory language as essential to instructions is most strikingly obvious, from the marked distinction between the terms employed by them in the resolutions to the Senators and the Representatives in Congress. The former are expressly "*instructed*," the latter are merely "*requested*," to perform their will. It is, therefore, perfectly clear, from the use of the latter term to the Representatives in Congress, over whose vote the Legislature never professed to have any control, that a mere expression of opinion, unaccompanied by instructions, never was viewed by them as obligatory on those to whom they were addressed. This great right had been repeatedly since asserted, and exercised in the same language of command, to their Senators, by successive Legislatures of North Carolina, from the period just referred to down to its session of 1834, when

they reasserted and exercised, in positive and unequivocal language, the right of instruction on the question of expunging from the journals of the Senate of the United States the resolutions condemnatory of President Jackson. The long-continued practice, therefore, of the Legislature of that State, in regard to instructions, shows very conclusively, that whenever they have intended to take all discretion from their Senators in regard to any particular vote, that they have expressly, and in plain language, instructed.

Mr. B. said, he held, when resolutions directly instructing had passed a legislative body, that it was not competent to go beyond the instructions themselves to ascertain the meaning of the Legislature; but when instructions were not given, on the face of the resolutions, that it was competent to look beyond them to arrive at the intentions of those passing them. He adverted to an amendment offered in both branches of the Legislature, when the resolutions were before them, proposing to insert the word "*instruct*," and which was rejected by the *unanimous vote* of the *friends* of the resolutions, in both instances. This act, in his opinion, was decisive of the question, and proved that those who passed them did not intend to commit themselves, by their acts, to the doctrine of instruction.

The resolutions did not merely omit to instruct, but they contained, on their face, expressions which constituted a direct attack on that great fundamental principle of the Republican creed. They declare that act of the Senate of the United States, expunging from its journals the condemnatory resolution against President Jackson, to have been "*an act of party servility, calculated to degrade the Senate.*"

Mr. B. said, so far as his own vote had had any agency in carrying into effect that just sentence, vindictory of the constitution and the liberties of the people, both of which had been wantonly assailed in the unauthorized and unjust sentence against the Chief Magistrate of the nation, that he had acted under resolutions passed by the Legislature of his State, *commanding* it to be done. He believed a majority of the State Legislatures of the Union had also passed similar instructions to their Senators. If, therefore, the doctrine of instruction be correct, what power is there that can rightfully arraign the motives of those who have only acted in obedience to it, and carried out the will of those under whose commands they have performed the act required to be done? To impeach, therefore, the motives of those, thus acting under instructions, is a direct attack on the principle of instruction, and, in effect, a denial of the right to instruct.

But in order to have all doubt removed as to the intention of those who passed them, his honorable colleague and himself had addressed a respectful communication to the Legislature of their State, asking to be informed if the resolutions were to be taken as instructions. We

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had publicly declared that we would obey or resign, if *instructed*. We considered, that to have done either under resolutions not containing instructions, was not required by our pledge, and would have been a manifest dereliction of public duty, under all the circumstances. We desired, then, proper ground to stand on. If we resigned, we wished to do so under the great principle of instruction, and not under resolutions in which it was not recognized. The Legislature, thus candidly and respectfully appealed to, have refused, in terms not very courteous, to give any further information as to the question of instruction.

When the issue was thus fairly presented, we had a right to expect, on every principle of candor, an emphatic expression of opinion one way or the other, in regard to the intentions of the Legislature on the question of instruction. If they had asserted their intention to instruct, I was prepared, as is known to many of my friends, instantly to have surrendered to them the public trust which I hold. They, however, again decline to assert the principle of instruction, in the resolution passed by them, and thus afford clear and unquestionable proof that they do not intend to commit themselves to the doctrine. Which of the parties had acted in good faith—those addressing the communication, and soliciting an expression of opinion on a plain question, to which an answer was easy, and which they deemed important to the public liberty, as well as to the regulation of their own conduct—or those who had declined to answer it? He would appeal to the honest and intelligent judgment of his constituents to decide.

When, therefore, he took into view the circumstances which formed a part of the history of the resolutions, the guarded caution with which the party passing them avoided committing themselves on the record to the right of instruction, and the open and avowed hostility of some of those voting for the resolutions to the doctrine of instruction, the direct attack on that great principle itself, on the face of the resolutions, and the refusal of the Legislature, on a candid appeal made to them, to assert the right—the most irresistible proof is afforded, by positive acts, that they (the Legislature) did not intend to recognize the right of instruction; and if not, on what principle of honor, or by what right, either moral or political, can it be expected that they will be considered and acted on by others as instructions?

The resolutions profess to speak the will of the people. If they were instructions, he admitted that they would be obligatory in the fullest sense of the term; but they were not, and did not profess to be, and therefore the question as respects public opinion, as well as every other in relation to them, is open to the freest inquiry. He did not, himself, believe that they expressed public opinion, as to many of the important topics under which they undertake to declare it. He believed the people of the

State had heard with utter surprise, that the subject of the expunging resolutions had been introduced. It was a topic that had not been brought before them at the elections, and therefore could not have been anticipated. Again, he did not believe they expressed public opinion, as no question had ever been brought more directly and immediately before the people of North Carolina than was that, at the elections in 1834, involving the course of President Jackson in regard to the Bank of the United States, and the justice of expunging the sentence pronounced against him from the journals of the Senate.

The Legislature, at its session of 1834, in obedience to that public will, commanded their Senators, by express instructions, to vote for it. The people elected two successive Legislatures, which ratified and re-affirmed, in effect, that decision, as the resolutions remained unrevoked by them. It would, therefore, be in derogation of the well-known political consistency of the people of North Carolina, to suppose that a decision so well considered, and so deliberately made, had been reversed by them. No President had ever been more strongly sustained than was President Jackson, at three successive elections, by the people of that State, whose well-earned fame the resolutions which the Legislature had passed, aimed so strong a blow at. He could not, therefore, admit that his constituents had abandoned their long-cherished political attachments, and were prepared to aid in sacrificing the public character of the honest soldier and patriot statesman. He could not consent, therefore, to record, by his vote, a sentence so derogatory to the people, and to the Legislature of 1834, to whose favor he was indebted for his re-election. To resign, would, in his opinion, be a tacit admission, on his part, that the people had changed their opinion on this question, and his acquiescence in the charge of inconsistency against them, which it involved, which he should consider it a departure from his duty to do, unless acting under instructions that left him no other alternative.

He had declared, in his speech on the Constitutional Treasury, and on other occasions, that if instructed by his Legislature, he would obey or resign. He had used the word in that sense which conveys a meaning universally acted on and understood by the Republican party of this country, and had likewise asserted it in his speeches, to be a duty, *in the absence of instructions*, to pursue the dictates of his own judgment. In the *absence of instructions*, therefore, his decision as to the present resolutions, which did not recognize, in any part of them, that right, was entirely consistent with his often repeated declarations on that subject.

The course which his colleague and himself felt bound to take, from a high sense of public duty, on this occasion, involved not simply the question of what was due to themselves and their own principles—not simply a question of

mere party ascendancy, but it involved questions of far more transcendent importance. It involved a great principle of popular liberty. If they resigned their seats, they indirectly aided in attacking the great fundamental right of instruction, which the resolutions, on their face, not only attacked, as he had already shown, but, by their unquestionable tendency, went to overthrow. They in effect, as he had shown, contained a denial of that doctrine. For us, therefore, to acquiesce in them, by obedience or resignation, would aid in subverting a principle long consecrated in the Republican creed. If they suffered themselves, by indirection, to be driven from the post which the public had assigned them, he could not permit himself to doubt that the very party that had passed the resolutions, would point to them to prove that *their political friends* had never admitted the doctrine of instruction. We should thus be accessory to the establishment of the doctrine that the people, through their Legislature, had no right to instruct. We should thus contribute to establish the doctrine that Senators of the Federal party, if hereafter elected from the State, would be licensed to disobey instructions, and should be irresponsible to the people, as they would no doubt quote *these very resolutions* to prove that instructions were no part of *their* political creed. It would, therefore, (repeated Mr. B.,) be, in effect, an attack on the doctrine of instruction, if we acquiesced in them either by obedience or resignation, and would be a surrender of a great question of public liberty. Thus we should be placing in the hands of a political party, already denying the right of instruction, and asserting other dangerous doctrines in regard to popular rights, an immense engine to beat down those rights. It was placing in their hands an instrument which would serve as a sword to use against their political adversaries, and would at the same time be used as a shield to *shelter and protect themselves*, when in power, from instructions. He, therefore, should consider the abandonment of his post, under such circumstances, as an abandonment of his duty to the people whom he represented, and as betraying a want of firmness to meet the crisis. He could not respect himself if he were to do it, and he sincerely trusted that his high-minded and intelligent constituents would appreciate his motives and the delicacy of his situation. He had been sustained by them with a firmness and fixedness of purpose, for a period of more than nine years, through many trying and difficult events in public affairs, that impressed him with an indelible sense of gratitude.

He had never sought office nor desired it for himself; nor had any of those connected with him ever, through his means, enjoyed office under this or the past Administration. He therefore appealed to his constituents to decide how far the charge of "*party servility*" applied to him, or to his public course. In order to remove all doubts as to the motives which

actuated him, and to show that he desired his public course should be tested by the popular will of his State, at the first State elections which intervened, he had come to the determination to resign his seat in the Senate of the United States to the next Legislature of his State, when they should assemble, for the residue of his term then remaining.

Mr. B. said that he felt deeply, and to its full extent, the great responsibility of his present situation. But at a great crisis in our public affairs, when the very existence of free government was at stake, when an evident effort was making to strip the people of their political sovereignty, and, in effect, to transfer it to the banking corporations of the country, he should dare to do his duty. To falter under such circumstances, and in such a crisis, and to shrink from a just responsibility from a fear of consequences, would, while it betrayed an unbecoming timidity, be treachery to those who had committed to them their dearest rights and interests. His course, therefore, was taken, and it was for his constituents to decide on it; and to that decision he was prepared to yield with entire deference.

Mr. STRANGE said: It is with great reluctance, Mr. President, that I occupy the public time and attention of the Senate, upon matters which seem properly to rest between our constituents and my colleague and myself. Two considerations, however, prompt me to occupy a portion of both. The one is, the established practice, so far as I am able to judge, prevailing in this body, on like occasions; and the other, its being, in my judgment, the most convenient and respectful mode of throwing immediately before our constituents our purposes, with a short statement of the reasons which govern us. I find myself in one of the most responsible positions I have ever occupied, and my anxious wish has been so to act as to ensure, at least, the unwavering approbation of my own conscience. From my political adversaries, I have learned to know, by sad experience, that I have no favor to hope for, and not even justice to expect. Act as I may, my conduct will be misrepresented and my motives impeached. Even from my political friends, I have reason to apprehend division in their judgment of my course, while I know they will do justice to my motives.

The resolutions just read come from a source entitled to my highest respect and most deferential consideration. They are from the Legislature of a State to which I am deeply indebted, ways without number. Though but an adopted son of that State, she has heaped upon me kindnesses far, very far, beyond my deserts, and I have enjoyed golden opinions far beyond my merits from all sorts of people. Though not a native of the State, there has my heart found the objects of its tenderest affections, and thither does it turn instinctively, when the magic word "home" stirs within it those holy associations which no other word has power to awaken.

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Coming, then, from such a source, how gladly would I have found myself able to follow in any direction to which they might point! how cheerfully have reposed upon such a counsellor, and thrown off the responsibility of acting upon my own fallible judgment! Had these resolutions been couched in terms of command, no alternative would have been left me but obedience or resignation. Coming as they do, merely in the language of counsel or advice, I should unhesitatingly follow that counsel could I do so consistently with my sense of duty and my own self-respect. But the two first of these resolutions counsel me to that which not all the terrors of an *auto de fe* could induce me to perform. Gracious Heaven! to place upon the everlasting records of my country, my own declaration, that I had violated her constitution, upon the infamous motive of party servility! No! sooner would I bite off my tongue, and spit it back in the faces of those who had counselled such infamy, however high and dignified the stations they might fill. No! conscious as I am of having been actuated in what I did, by motives of the highest, the purest, the most patriotic, I am proud to have my name associated with the act, and am content that posterity may judge of me by it alone. Mistaken I may have been, but never was corruption farther from my heart. If those were corrupt who did the deed, what were the Legislatures of the noble States who commanded it to be done? I myself, in the part I acted, but conformed to the express instructions of the Legislature of North Carolina. A Legislature elected when that question was distinctly before the people; and notwithstanding those instructions were given, a Legislature, a majority of which was favorable to those instructions, was again elected. I could not, therefore, with proper respect to the Legislature and people of North Carolina, by whose command the act was done, censure it in the manner proposed, if there was nothing else to restrain me.

Far be it from me, in thus remarking upon the resolutions, to impeach the motives or impugn the conduct of those who passed them. My own opinion is, that family quarrels should never be carried beyond the paternal domain, and, if I have any thing to complain of in the temper, language, or substance of these resolutions, on a different theatre will that complaint be made. Here, at least, it is my wish and my purpose always to speak respectfully of those whom the people of North Carolina shall see fit to elevate to high places.

The terms of the resolution having placed conformity to them entirely out of the question, it remains to be considered what is my alternative course. Were I at liberty to consult the suggestions of impassioned personal pride, I should certainly resign. It is always easier to retreat from a difficulty or danger than to encounter it, and abide the issue. When a man gets into a political difficulty, the shades of private life have many attractive charms, and upon them

he is apt to cast a wishful eye. For my part, I acknowledge that I feel myself in a political difficulty, from which I would willingly retreat, if I might do so with propriety. But the question is one of duty simply, and not of choice. If it is not my duty to resign, it is my duty to remain here. One or the other is clearly obligatory upon me; and which, is the question? As I said before, had these resolutions been couched in the language of command, obedience or resignation would have been my duty. I accepted the trust I now hold, under the full knowledge that those who sent me here expected me to obey instructions when received, or resign. Such is the creed of the political party that elected me, and I should disappoint their expectations if I refused to act upon that principle; but, on the other hand, I should be guilty of treachery to them if, upon any other ground than a high sense of duty, I surrendered the post to which they have assigned me. If the Legislative elections in North Carolina were shortly to occur, my position would be clear of all difficulty. I would at once, at the close of this session, return back to the people the trust I hold, to be conferred by them according to their pleasure. But in the long interval to ensue before another election in that State, very calamitous results might, in my apprehension, attend an immediate resignation. Every man knows that a most important political struggle is now going on in the land, pregnant, as all admit, with the most interesting consequences. Each party is full of hope, and expects victory in the issue. A feather may turn the scale. The diminution of force on one side, or a slight accession on the other, may decide the controversy. And shall I cast in a feather into the scale of my adversaries? It is my duty to stand here, and do my utmost in advancement of those principles which I hold sacred. It is my duty, if for no other reason but to keep those out who would certainly be sent in my place. I know there are many men of both parties in North Carolina who are better qualified than myself to fill this station. But of the many able sons of North Carolina who differ with me in political opinion, and for whom I have the highest personal respect, I should reluctantly see any one here at the present moment. Those who sent me here, therefore, have a right to expect that I will maintain my post, unless driven from it by some paramount principle, and that I do not abandon it in a cowardly manner, upon the occurrence of the first difficulty. There is but one great and paramount principle which can be for a moment supposed to demand my resignation; and that is the doctrine of instruction. Upon that doctrine my colleague has fully and ably enlarged. Am I, then, by any creed upon that subject, placed in a situation to render my resignation a duty? Of the political party of which a majority of those who voted for these resolutions constitute a part, it is a principle that there is no right in the Legislature to in-

struct, and, consequently, no obligation on the part of the Senator either to obey or resign. No complaint, therefore, can be made by them of any course which we may think proper to adopt. Of the political party to which I have been attached, the creed is to be found in Mr. Leigh's celebrated report in the Virginia Legislature, and in the uniform practice of all those Legislatures who have attempted any efficient action in Federal affairs. In the document before mentioned it is said, "Senators are instructed, and Representatives requested;" and it goes on to give the reason for this difference of language, that over the one a right to command is claimed, and towards the other the mere tender of advice. In the one case, they may assume to declare the popular will in the language proper to the expression of will—*command*; and when so expressed, it must stand for that will, whether really so or not. In the other, their command does not stand for the popular will, and the responsibility still rests upon the Representative to find out what it is. This difference of language has been uniformly used, so far as I am able to learn, in all resolutions adopted by Legislatures of the different States, whenever they have attempted any direct action in Federal affairs. They have assumed that the Legislature is recognized as embodying the popular will of the State, so far as Senators are concerned, whenever they think proper to use language appropriate to the utterance of will. But whenever they adopt only such language as they may with propriety use to a Representative, in addressing their Senators, it is not intended to be more operative upon the one than the other. In the one case, they themselves assume the responsibility, and stand between the Senator and the people of the State. In the other they do not undertake to utter the public will; but while they suggest, leave the public servant to judge of that will upon his own responsibility. Such has been the obvious understanding of all the preceding Legislatures of North Carolina, who have undertaken to address their agents in this body. From their earliest action, down to 1834, when the resolutions were passed commanding the act now denounced as unconstitutional, and dictated by party servility, they used this peculiar phraseology. Language consists merely of the signs, which, by common consent, have been received as representing particular ideas. Technical language frequently differs from common language. By common consent, the word *instructions* has received a technical signification, when used in an address by the Legislature of a State to its Senators in Congress. These facts were all known to the Legislature of North Carolina, which passed the resolutions under consideration. Was, then, the omission of the word uniformly used by the Legislatures heretofore, when they designed direct action upon their Senators, an accidental or whimsical omission merely; and was it intended or believed that those used

would be coefficient? I have not the slightest idea that it was. In the first place the known belief of many who voted for these resolutions, that the Legislature has no right to instruct Senators, and consequently that there is no obligation on Senators to obey, forbids the idea. They could not have intended what they believed they had no right to do. Such a suspicion would, I am persuaded, do them great injustice. The just conclusion is, that they meant to do just what they have done—the expression of their belief that public opinion is what they set forth in those resolutions to be their own opinions, believing, most justly, that while they had no right to command, their opinions would be most respectfully considered by their Senators. The omission of the word *instruction* was designed. And why? Because it was well known that a peculiar force and signification was attached to it, and an operation given to it which they did not approve, and therefore did not wish to sanction by its use. That the omission was designed, is further proven by the fact, which is a matter of history, that in both Houses a proposed amendment by its insertion was rejected. But to place the matter beyond all doubt, my colleague and myself addressed a joint letter to the Legislature—not inquiring what effect they intended their resolutions to have—not implying a doubt which we did not entertain—but openly declaring what we firmly believed, that we should not hold them as instructions; at the same time declaring our purpose to obey or resign, should we be instructed. This letter was written in the most perfect sincerity and good faith. I care not who may think proper to question it. I can appeal to God and my own conscience for my truth. But it is also known to friends here, to whom I declared my determination to resign if my construction of the resolutions was pronounced erroneous. It was not so pronounced. We received no answer to our communication. The vindication of my sincerity in addressing that letter, therefore, presents a strong consideration against resignation. If I resign now, it may be justly said that when I wrote my letter to the Legislature I considered these resolutions as instructions, in the face of my declaration to the contrary, and am now borne down by the weight of my conviction. I still think, as I thought then, that they are not instructions, either in fact or according to the intention of most of those who voted for them; and so believing, the alternative of obedience or resignation is not presented to me. Is there, then, any obligation upon me to resign? Does any human being perceive any? Who can point it out? Perfect obedience is out of the question. It follows, then, in my judgment, that for the present it is my duty to remain here, and, while I do not treat the resolutions as instructions, I will show them all due respect, and give to them such influence over my conduct as my judgment may approve. I have said that had the Legislature met during

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the ensuing year, I would resign at the close of this session; but it is still my purpose to afford the sovereign people of North Carolina the earliest opportunity of deciding the important question, by what class of politicians they choose to be represented in this body. The Legislature, at its first biennial session, shall have an opportunity of selecting for the seat I fill a Democrat or a Federalist; one who thinks it right to wipe off the foul and unjust stigma cast upon the fame of Andrew Jackson, or one who is for perpetuating it through all generations. This they will have an opportunity of doing, under a fair expression of popular sentiment, and to the people of North Carolina will I cheerfully submit the issue.

Mr. CLAY, of Kentucky, contended that these resolutions were neither indecorous nor disrespectful. [Mr. STRANGE said he made no allusion to disrespectful language.] Mr. C. said he understood at least one of the Senators to say that one of the resolutions was disrespectful to the Senate. [Mr. BROWN said he spoke of one of the resolutions; but, emanating, as they did, from the Legislature of his State, in no possible contingency could he have refused to present them.] Mr. C. said, if there was indecorum, it was his duty, under the rules of the Senate, not to present the resolutions. [Mr. BROWN said there was a very marked difference between the Legislature of a sovereign State and individuals, on this subject.] Mr. C. said he was not aware there was any such distinction in the rules, and if the Legislature of a State uses disrespectful language, it is no more to be received than if it were from a private citizen. But the Senators gave as a reason for not complying with the resolutions of the Legislature, that they did not contain the word "instruct." He thought it was infinitely more respectful to those receiving the instructions, not to use the word instruct. Sir, suppose I say to my man Charles, please bring me my boots or shoes, and he does it with alacrity; but, if I should say, Charles, I instruct you to bring me my boots, he would think it strange language, and, very probably, would ask me for an explanation. Mr. C. said, while the Senators expressed their disinclination so strongly to obeying these instructions, they seemed altogether to overlook that there was an alternative presented to them—that of resignation.

Mr. STRANGE replied, that he certainly felt much indebted to the Senator from Kentucky, (Mr. CLAY,) for the advice he had seen proper to volunteer on the present occasion. But it had been very long since it had been his wont to look for political information from that quarter. On the contrary, he viewed the Senator from Kentucky, with all his talents, rather as a beacon than a guide, and when a course was indicated by him, generally considered it a reason for shunning, rather than pursuing it. It was not, therefore, to be considered at all remarkable, if his suggestions, on the present

occasion, should have but little weight. The Senator is pleased to say that he considers my complaint, that I have neither favor nor justice to expect from my political opponents, a little gratuitous. No man knows better where the shoe pinches than he who wears it. The Senator knows nothing of the ground upon which this complaint is made, and has, therefore, no right to say whether it is gratuitous or not. He, Mr. S., had said, that sad experience had warned him not to expect either favor or justice from his political opponents—and he said so truly. And now that the Senator had somewhat forced it upon him, he would remark, that no man had shown more comity or deference to his political opponents than himself; and yet not only the scurrilous partisan newspapers of the country, but even by those with whom he had exchanged the courtesies of life, and from whom he had parted with the grasp of friendship, had his motives been assailed and his conduct impeached. With such facts before him, he might well say that he could expect neither favor nor justice from his political opponents. The Senator from Kentucky, he said, with an unfairness and coarseness which he had not thought altogether becoming, had observed, that in remarking upon the impracticability of obedience, he (Mr. S.) and his colleague seemed to have overlooked another alternative, and that was resignation. Now, unless the Senator's senses were less acute than usual, he must have heard both him and his colleague very distinctly advert to that alternative, and himself to declare that were he at liberty to act in obedience to his own feelings, he would resign; but that, under present circumstances, a high sense of duty to those who sent him here compelled him to remain. The Senator from Kentucky then takes up the doctrine of instruction, and, according to his wont in the absence of argument and reason, attempts to drive us from our position by raillery and jest, and for that purpose parades before us that ever favorite and fertile theme, his man Charles, and entertains the Senate with a dialogue between himself and that distinguished personage. But his illustration has no application to the subject. There is no parity between the relationship subsisting between the sovereignty of a State and its representative upon this floor, and that between the Senator and his slave. He was (said Mr. S.) the servant of the people of North Carolina, but not their slave, or the slave of any other man. He served the people of North Carolina, as far as he was able to discern, in compliance with the public will; and when he could not conscientiously conform to that will, he would resign. Poor Charles had no such alternative. If the Senator's title to him is good, he is his slave, and he must yield obedience in whatever way he may think proper to address him: he cannot resign. Whether the Senator from Kentucky is able to perceive any difference in the signification of certain terms, is a matter with which he (Mr. S.) had

nothing to do. When the Legislature of Kentucky spoke, it would be for the Senator from Kentucky to interpret its language; and he (Mr. S.) would be very far from indelicately obtruding his advice. But when the Legislature of North Carolina spoke to his colleague and himself, it belonged to them to interpret; and he recognized the right of no one to interfere in the matter.

As he understood the opinions of the people of North Carolina, they recognized a difference between instructions and other language used by the Legislature. When he was elected to his present position, he came into it with a determination to act conformably, as far as possible, to the popular will, the principle which the Senator from Kentucky had admitted to be correct; and the only question was, what was the popular will? He believed a part of the popular will in North Carolina was, that when the Legislature instructed a Senator to vote for or against a particular measure, such instruction should stand with him for the popular will, whatever, in truth, the popular will might be; but that, when not instructed, it was his duty to exercise his best judgment, and ascertain, from the several sources within his reach, what was, upon the whole, the popular will. He believed, therefore, that he would act in conformity to the public will in North Carolina, whenever instructed by the Legislature either to obey or resign; but to treat every thing else coming from the Legislature as merely advisory, and conform to it or not, as, in his judgment, it either did or did not concur with the popular will. The Senator from Kentucky intimates that our course of reasoning leads to the conclusion that even if the word instruct had been used, we should have been at liberty to look behind this legislative declaration, and ascertain what was, in fact, the popular will. In his (Mr. S.'s) judgment, the reasoning led to no such result, but precisely the contrary. They had expressly stated that they believed it to be the popular will in North Carolina, that whenever the Legislature instructed, such instructions are to be taken as the popular will, and acted upon as such; but in the absence of such instructions, the Senator must, at his own peril, ascertain that will.

The Senator from Kentucky, in conclusion, rather ungenerously, as he thought, chided him and his colleague for not bringing forward these resolutions last week when the land bill was under discussion. If the Senator from Kentucky would tax his recollection, he would find, that at this session of Congress, upon every test question upon the graduation bill, both his colleague and himself had voted against it. As he had said before, he should always vote in conformity to the wishes of his State, so far as he could understand them, when they did not conflict, in his judgment, with any great principle which he had no right to disregard. Last year he voted for the graduation bill, under (as he now thought) a mistaken impres-

sion, that public sentiment in North Carolina, if not in favor of it, was at least quiescent. But he hoped never to see a year when he could not look back and say, "I am wiser this year than I was last." He was now inclined to think that the majority of the people of North Carolina was opposed to the bill, and should therefore unhesitatingly vote against it.

Mr. BROWN, in rising to reply to the Senator from Kentucky, (Mr. CLAY,) who, with his *accustomed delicacy*, had, in a very extraordinary manner, presented himself before that body, to arraign the course of his colleague and himself, said: That, in the outset of his remarks, he should protest against, and peremptorily challenge, the right of the Senator to interfere in a question purely between themselves and their constituents. What right had that Senator to assume upon himself the authority thus attempted to be exercised by him? From whom did he derive his authority? Where were his credentials? Who had constituted him their attorney, in fact, thus to arraign the course of members on this floor?

Having felt it to be his duty thus emphatically to except to the assumed power of the Senator, and considering that he had been fairly ousted of the jurisdiction that he had sought to assert, he would now go a step further, and say that he should peremptorily decline, from high considerations of what was due to himself and his own rights, to notice any of the topics introduced by him, or to join issue with him on any one of the questions which he seeks to raise, in reference to the manner of discharging our duties as members of this body. If, however, he had considered it incumbent on himself to refuse to join issue with the Senator on any of the topics raised by him, yet there were some *other things* which it was his purpose to say to him before he concluded his remarks.

In the first place, his constituents would no doubt feel *exceedingly obliged* to that gentleman, whose political course had long been distinguished for its *peculiar devotion* to Southern interests, for having volunteered, on the present occasion, to appear as the champion of their rights. The friends of the great right of instruction will, no doubt, in every part of the country, learn with no little surprise that the Senator has become its advocate and eulogist! What, said Mr. B., the Senator from Kentucky now assuming to pronounce, with oracular certainty and authority, the true doctrines of the right of instruction! How long, he would ask, had it been since that gentleman had entitled himself to become its teacher and expounder? Was it from the eminent services rendered by him to its principles, when instructions were coming from a majority of the States of this Union to their Senators on this floor, directing them to sustain the late Administration in the mighty conflict then waging against it by the Bank of the United States, and the political party acting in concert with it? Who does not

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remember that gentleman's course on that most important occasion? A majority of the States of this Union, believing that a great crisis in our public affairs had arrived, sent resolutions here to their Senators, instructing them directly and peremptorily—not resolutions so framed as to be in effect fraudulent in regard to that great right, but resolutions commanding their Senators, in terms plain and unequivocal, to carry out their wishes. Did the Senator then stand forth as their defender and vindicator? Did he exhort the large number of his political friends, then boldly violating and defying positive instructions, to respect that great doctrine? No, said Mr. B., his course was far otherwise. We then heard daily anathemas from his political friends against instructions; the popular voice was scouted, although it had been expressed in some instances *twice or thrice* to some of the gentleman's friends, in the shape of positive commands, and, standing foremost among those who animated them to resist the will of their constituents, and exhorted them to unyielding firmness in that course, was the Senator from Kentucky himself; and yet he now undertakes to become a lecturer to others on the great principle of instruction!

Who did not remember the reception given in this body, during the famous panic session, to the instructions sent by the patriotic State of New Hampshire, to her Senators, the first movement of the kind, directing them to vote for expunging the condemnatory sentence against President Jackson, and to sustain his administration against the war then waged by the Opposition party, and the Bank of the United States? The able Republican Senator, who presented them, was assailed in debate on this floor, his State insulted, and even the common courtesy of printing the resolutions of instruction was refused by the political friends of the Senator, who then held the power in this body. With what propriety, then, he demanded, could a political party, who had trampled on the right of instruction, scorned and contemned the public will, by the most high-handed outrages, whenever and wherever they had possessed power, with what propriety could they reproach others, in regard to their course, when no instructions had been given them?

His constituents would, no doubt, be exceedingly obliged for the advice of a gentleman in their affairs, who had been conspicuously associated as one of the leading members of what was familiarly known, in this country, by the name of the "*Coalition Administration*." Judging from their past sentiments in regard to it, he did not believe that they possessed, at this time, any very strong desire to witness its restoration to power in any shape. If one member of that bygone administration had a right to interfere in their affairs, by offering advice, the great political high priest himself, who headed it, may, with the same propriety, claim to offer his. And where now is the head of that famous administration, and what are his

daily occupations? Fallen from what was due to the dignity of his former station, he is almost daily engaged in the disgusting and wretched pursuit of *Abolition* agitation!

Where, Mr. B. would ask, were the *political friends* of the Senator from Kentucky, who resided north of the Potomac, with some honorable exceptions, to be found on that question? The great mass of them were found, in the two Houses of Congress, and in the Legislative halls of their respective States, pursuing a course in direct *hostility* to the South. There was not a State Legislature north of the Potomac, in which the political friends of that Senator had obtained power, unless in those where slavery existed, that resolutions attacking the rights and interests of the South on the vitally important question of slavery had not passed! And be it said to the immortal honor of the Democratic party of the North, who have been so scandalously calumniated by most of the Federal presses of the South, on that question, that while their Senators and Representatives, in almost an entire body, have sustained our just rights in the two branches of Congress, there is not a single State north of the Potomac, in which the Democratic party have had the power in its Legislature, that they have not, in the noble spirit of justice and union, passed resolutions strongly *sustaining the rights* of their sister confederate States of the South!

The Senator from Kentucky had, to illustrate his views of the right of instruction, referred to his own servant, and his obligations to obey his commands, when given by him. In alluding to his remarks on this subject, it was no part of his purpose (said Mr. B.) to join issue with him, and to debate that point, as he intended carefully to preserve the ground taken at the outset of his remarks, not to admit, directly or indirectly, his jurisdiction on this subject, by joining issue with him on any question which he had thought proper to raise; but he would answer him somewhat after the Yankee manner, by asking another question. Let us suppose (said Mr. B.) that a servant who desired occupation, had applied three several times to a farmer or planter for employment, and that that farmer or planter had three times, either from a supposed want of honesty or skill in the applicant, in pretty plain and positive language, rejected his importunities to enter his service: what would be the opinion of the world as to the modesty which, under such circumstances, could venture a fourth importunity? He thought this very like the case of a distinguished individual, who had presented himself three times to the American people to be employed in a certain high station, and who had been three times signally rejected; and, if public rumor was now to be credited, was again prepared for a fourth rebuff by the popular voice.

Again, Mr. B. said, his constituents would, no doubt, feel and appreciate a defence, coming from a gentleman whose almost entire public course,

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for a series of years, had been directly at war with their rights and interests; a Senator whose mis-called American system, until thrown off by determined resistance, had, for a series of years, impoverished and desolated the South, oppressed her citizens, and almost ruined her commerce; a Senator, whose favorite system of policy he declared most solemnly, in his opinion, had aimed a more fatal blow at the constitution, and Union of the States, than any other and all other measures combined. A system which had, at one time, shaken the pillars of our glorious confederacy to their very foundations; and which had created, and, he feared, had established those dangerous sectional prejudices and feelings which were destined to endure too long for the harmony and safety of our country.

Mr. B. had now finished saying what he felt due to himself and to the occasion, and due to the interference which his remarks were intended to repel.

THURSDAY, January 10.

Graduation Bill.

The Senate proceeded to the consideration of the bill to provide for the reduction and graduation of the price of the public lands. The question being on the amendment submitted by Mr. CLAY, of Kentucky, to limit the reduction to lands only that have been in the market fifteen years, and to the quantities of 80, 160, and 320 acres, according to the rate of reduction, and further to distribute the proceeds of the sales of the public lands after 1840 among the several States of the Union.

Mr. CLAY addressed the Senate in favor of his amendment, after which

Mr. BUCHANAN addressed the Senate in opposition to the amendments, and in favor of the bill as at present amended; after which

The question was taken on Mr. CLAY's amendments, and they were rejected—as follows:

YEAS.—Messrs. Bayard, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merrick, Prentiss, Robbins, Smith of Indiana, Southard, Swift, and Tipton—13.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Preston, Rives, Roane, Robinson, Strange, Walker, Wall, White, Williams of Maine, Williams of Miss., Wright, and Young—29.

Mr. BENTON then submitted the fifty cent clause of Mr. CLAY's amendment—to permit actual settlers to enter lands that have been in the market fifteen years, at fifty cents per acre, the quantity being limited to eighty acres for each actual settler.

This amendment was agreed to—as follows:

YEAS.—Messrs. Allen, Bayard, Benton, Clay of Alabama, Clay of Kentucky, Crittenden, Foster, Ful-

ton, King, Linn; Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Norvell, Robinson, Smith of Indiana, Tipton, Walker, White, Williams of Mississippi, and Young—24.

NAYS.—Messrs. Brown, Buchanan, Calhoun, Davis, Hubbard, Knight, Niles, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Strange, Swift, Wall, Williams of Maine, and Wright—19.

On motion of Mr. CLAY, of Alabama,

The bill was then ordered to be printed as at present amended, and

The Senate adjourned.

TUESDAY, January 15.

Graduation of the Price of the Public Lands.

The bill for the graduation and reduction of the price of the public lands, came up as the unfinished business; and after a debate, in which Messrs. CALHOUN, BAYARD, ROBINSON, and CLAY, of Kentucky, took part, the question was taken on ordering it to be engrossed for a third reading, and was decided in the affirmative—yeas 27, nays 22, as follows:

YEAS.—Messrs. Allen, Benton, Buchanan, Clay of Alabama, Cuthbert, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tipton, Walker, White, Williams of Mississippi, Wright, and Young—27.

NAYS.—Messrs. Bayard, Brown, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Wall, and Williams of Maine—22.

THURSDAY, January 17.

Graduation Bill.

The bill to provide for the graduation and reduction of the price of the public lands, came up on its third reading, Messrs. CLAY, CALHOUN, BUCHANAN, NILES, BENTON, and KING addressed the Senate, and the question on the passage of the bill being taken, resulted as follows:

YEAS.—Messrs. Allen, Benton, Buchanan, Clay of Alabama; Cuthbert, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tipton, Walker, White, Williams of Mississippi, Wright, and Young—27.

NAYS.—Messrs. Bayard, Brown, Calhoun, Clay of Kentucky, Crittenden, Davis, Knight, McKean, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Wall, and Williams of Maine—22.

THURSDAY, January 24.

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Mr. BENTON submitted the following resolution:

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Resolved, That the Secretary of the Treasury be directed to report to the Senate whether any, and if any, how much, would have been the deficit in the Treasury, if an act entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States, and for granting land to certain States," which passed both Houses of Congress, had received the approbation of the President, and been acted upon up to the 1st day of January, 1839.

Mr. BENTON observed that his reason for offering this resolution was apparent. A resolution had passed the Senate, calling upon the Secretary for information as to the amount that would have been distributed to each of the States of this Union under the distribution land bill, which was vetoed by President Jackson, had that bill become a law. An answer to that resolution had been received, by which it appeared that the sum that would have been distributed was fifty-seven and a half millions of dollars. Now he wished also to ascertain what now would be the deficit in the Treasury had that distribution taken place.

Mr. NORVELL rose to avail himself of the opportunity presented by the motion of the Senator from Missouri, to correct a mistake into which the Commissioner of the General Land Office had fallen, in the table which he had furnished of the proceeds of the sales of the public lands, which were proposed to be distributed among the several States by the bill of the Senator from Kentucky, (Mr. CLAY,) which received the veto of President Jackson in 1833. The Commissioner had stated that certain sums under the twelve and a half per cent. proposed for the new States in that bill, and certain specified sums under the general distribution proposed by it, would have fallen to the lot of Michigan and Arkansas. If he remembered rightly, not a cent would have been received under that bill by either Michigan or Arkansas. They were at that period Territories of the United States. No participation was allowed to them in that bill. It depended upon the subsequent pleasure of Congress, upon the passage of another law, whether Michigan or Arkansas, would each have received any portion of the moneys which were to be distributed, if that bill had become a law. He had felt it to be his duty to make this statement for the information of his constituents at home.

The resolution was then laid on the table till to-morrow.

Salt Duty.

Mr. BENTON, in pursuance of notice given, asked leave to introduce a bill to abolish the duty on salt, and to repeal the fishing bounties and allowances dependent upon the same.

Mr. B. addressed the Senate at length in explanation and support of the bill; after which, at the request of Mr. DAVIS, it was laid on the table till to-morrow.

HOUSE OF REPRESENTATIVES.

THURSDAY, JANUARY 24.

Financial Statement—Expenses of the Government, Comparative and Actual—Increase of Expenditure—Causes of it—Difference between Expenses for the Support of the Government and Extraordinaries.

Mr. CAMBRELENG, by leave, stated that the Committee of Ways and Means wished to make a report, containing at large the views of that committee in regard to the state of the finances generally; and said that the committee had come to the conclusion that, should Congress authorize the usual amount of new appropriations, and the three millions proposed for fortifications, harbors, &c., it would be necessary to provide five or six millions for the Treasury, in addition to all resources and receipts existing or contemplated.

[The report having been made, it was read as follows, and afterwards ordered to lie on the table, and be printed.]

Our Federal expenditures have been rapidly, though irregularly, increasing, from 1789 to the present time. The fluctuations appear to have been simultaneous with an increasing or decreasing revenue—an overflowing Treasury uniformly producing a sudden augmentation of our appropriations. Independent, however, of such occasional extravagance, it was natural to anticipate, especially in the first half century of its existence, a steady increase in the civil, military, and naval expenditures of a Government which had no such establishments at its origin; and particularly in a country which has, in so short a period, doubled the number of States in the Confederacy, enlarged its boundary of settlement to near five times its extent in 1790, increased its population from less than four to near seventeen millions, and extended its post routes from 1,875 to near 135,000 miles.

Before noticing the permanent expenditures of the Government, it is proper to advert to those of an occasional or temporary character, which have very largely and unavoidably increased the amount of our annual appropriations for a few years past; these are in the Indian branch of the public service. The expenditures for Indian lands and wars have amounted, within a few years past, to about fifty millions of dollars. The purchase of their lands, and the removal of the Indians beyond the Mississippi, were unavoidably connected with the settlement of the country, however it might affect the various tribes. It is satisfactory to know that their condition has been ameliorated by removal. The addition of thirteen new States to the Union, embracing within their boundaries most of these tribes, made it necessary, especially in latter years, to purchase their lands, in order to advance civilization; to remove obvious obstructions to the settlement and cultivation of the country; to prevent collision, and to preserve the lives and property of the inhabitants of our States and Territories from Indian depredations. These purchases have also been founded, almost exclusively, upon compacts formed with some States more than thirty years ago; on our implied obligation to other States; and on res-

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olutions and appropriations by both Houses of Congress, extending through every administration of the Government. They were, moreover, justifiable on mere financial grounds. By referring to the documents annexed, it will be seen that we have acquired by Indian treaties, since the 4th of March, 1829, about one hundred and ten millions of acres. There now remains, of unbought Indian lands, less than thirty-five millions of acres. No extraordinary expenditure can, therefore, be hereafter anticipated for this object, nor is it probable that there will be such extravagant demands upon the Treasury for Indian wars, owing to the removal of almost all the tribes, and to a change in the plan of operations in Florida, but principally to the recent increase of the army. One-half of the amount expended in these wars has undoubtedly arisen from the extraordinary expenses arising from suddenly calling into the field numerous bodies of militia and volunteers, which we were obliged to do in consequence of the inadequate force of the regular army. The increase of that force will enable Government, in some degree, to dispense with these calls in future; and many millions in our annual expenditures will be saved by preventing Indian depredations, and promptly suppressing them when they may occur.

Owing to appropriations of the character referred to, and to others which will be noticed, there is a very considerable apparent increase of the Federal expenditures in the last ten years. The appropriations for 1838, including those under permanent acts, amounted to about thirty-eight millions of dollars. In comparing these with the expenditures in 1829, the following items will be found in the former which were not in the latter, viz :

For preventing and suppressing Indian hostilities,	\$1,000,000
The same, and for the Cherokee treaty,	6,740,000
Removal of Indians, annuities, &c.,	\$3,060,000
Do. do. in 1829, only	420,000
	<u>2,640,000</u>
	\$10,380,000
For appropriations for the Post Office, not embraced in any bill until and since 1836, as these expenses are paid out of the postages,	\$4,560,000
For the protection of the Northern frontier,	625,000
For a nominal item in the navy appropriation bill, being a mere transfer of an unexpended appropriation for the gradual improvement of the navy to the years 1839 and 1840,	1,500,000
	<u>17,065,000</u>

There has been an increase in almost every branch of expenditure, but principally in the following:

The appropriations for pensions in 1838, were	\$2,058,500
Do. do. under permanent acts,	1,350,000
	<u>3,408,500</u>

Total expenditures in 1829, revolutionary,	-\$764,492
Do. do. do. other,	185,102
	<u>949,594</u>
	2,458,906
Harbors, &c., appropriations in 1838, - - -	1,535,000
Expenditures in 1829, -	505,000
	<u>1,030,000</u>
Congressional expenses, appropriations in 1838, owing, in part, to the long session,	982,000
Expenditures in 1829, - -	467,000
	<u>515,000</u>
Light-houses, appropriations in 1838, - - -	663,000
Expenditures in 1829, -	291,500
	<u>371,500</u>
In Executive, Territorial, judicial and miscellaneous expenditures,	880,000
	<u>\$22,320,406</u>

Our naval and military expenses have been greater since 1829; the former owing, in part, to the uncertainty, at one time, of our relations with France, and the latter to Indian wars. But our expenditures have been, since then, increased in every branch by an augmentation of the amount of commercial credit, which adds to the cost of all our supplies.

In examining into our expenditures, there will be found, in many of them, much abuse requiring reform. Two branches do not come annually under the consideration of Congress—the expenditures for the Post Office service, and the expenses of collecting our revenue. The former, not being a charge upon the public Treasury, (except for the expenses of the General Post Office,) are regulated by the income from postages, which are annually increasing the number of our routes and the frequency of the transportation of the mails. Of the immense increase in this branch of the public service, some idea may be formed from the increase in the transportation of the mails. It was not, probably, more than 100,000 miles in 1790; 845,468 in 1793; as late as 1803 it was but 3,504,800; it is now 34,580,202 miles. Though not a charge upon the public Treasury, we are bound, as the trustee of the fund, to see that it is administered with economy, in order that our mail routes may be extended to the remotest quarters of the Union. It has been, accordingly, the subject of investigation; the Department has been reorganized, and is believed now to be well administered. There is charged upon this fund, for the service of the present year, \$5,100,000. If it is designed that this important establishment should support itself, there seems to be no reason for discriminating between the expenditures for the offices throughout the Union and of the General Post Office, by charging the former upon the fund of the Department, and the latter upon the Treasury.

The expense of collecting our revenue from customs amounted, in the first ten years after 1789, to about \$293,000 annually; for the last ten, ending 31st December, 1837, to \$1,232,000; it is now about a million and a half. By referring to the table of tonnage, it will be seen that the amount of tonnage entered from abroad has increased from

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605,000 tons in 1790 to 2,065,000 tons in 1837. The expenses of collecting the revenue was in 1829 \$1,013,000, and in 1837 \$1,492,000. The tonnage entered from abroad was 1,003,000 in 1829, and 2,065,000 tons in 1837. The annual amount of revenue is no criterion of the expense of collection, because, although we have relinquished the duty on more than half of our importations, the great increase in this branch of trade creates a necessity for an increased number of inspectors. We have also, of late years, introduced many very complicated provisions in our tariff laws, and added to the expense of collection. But a part of this increase is owing to the neglect of Congress in not limiting, from time to time, the number of officers to be employed, and in permitting the collectors to pay the whole expense of our custom-houses out of the revenue received, without even transferring it to the public Treasury. Had Congress periodically limited the number of our officers, directed the collectors to pay all the money received by them into the Treasury, required annual estimates, and made specific appropriations for this, as in other branches of the public service, it would have operated as a sensible check on the extravagance of some of our collectors.

Although the subject of tonnage is only indirectly connected with the question of expenditures, the committee cannot dismiss it without calling the attention of the House to the fact disclosed in the table annexed, that while the American tonnage entered from abroad increased from 872,949 in 1829, to 1,299,720 tons in 1837, the foreign tonnage rose from 130,743 to 765,703 tons in the same period—a result owing, among other causes, to our unwise taxes on navigation, and to an abuse of credit at home, which enables foreign nations to build, supply, and man their ships cheaper than we can, and slowly to undermine the basis of our naval power.

The Legislative expenses of the Federal Government for the first ten years were annually, on an average, about \$171,000; the appropriations for the year 1838 were \$982,000. A part of this has arisen from the increase in the number of members of Congress; but the most extravagant increase has occurred in the contingent expenses of both Houses. In the first ten years these did not amount to more than \$10,000 annually; while the appropriations for the past year were \$373,960. Although under the immediate observation and exclusive control of Congress, there is no branch of the public service where there has been more abuse and extravagance. Thousands of documents, in many instances of no importance, are annually printed; and the contingent funds of the two Houses have been, for some years past, charged with the expense of furnishing members with books. There has been, and remains to be paid, on two contracts alone of this character, \$781,023 37, not only to supply those who are actually in Congress, but others who have not been members for many years past. Should such expenditures be continued, this will very soon become an important item; and in any event, a large amount will still be required to fulfil contracts for books in no manner belonging to the legitimate contingencies of either House of Congress.

• The expenditures of the Executive Departments were, in the ten years after specific appropriations were made, about \$195,000 annually; the appropriation for 1838 was \$795,000. This item has

steadily increased with the growth of our country and its various establishments, requiring Executive agency and superintendence. Something would probably be saved if there were one contingent fund under the control of the Secretary, for all the offices of each Department. Our complicated system of accounts, too, was established many years ago; and a more judicious organization of the Departments might introduce greater simplicity and economy. It is impossible, however, to avoid a uniform increase in this branch of the public expenditure, while we continue to multiply our laws at every session, which must be carried into effect by the Executive Departments; and while we rapidly increase, as we have done of late, the number of resolutions in both Houses, calling for information, and frequently involving great labor and expense.

Connected also with the Executive Departments are various expenditures, which were very inconsiderable, or did not exist at all, at the commencement of the Government—such as those for the Mint, Territorial Governments, the coast survey, arming and equipping militia, the public lands, and public buildings. These, which in early legislation were quite unimportant, now amount to near a million annually.

The expense of the Judiciary in the first ten years after specific appropriations were made, did not amount to more than about \$61,000 annually; the appropriation for 1838 was \$184,000. The increased expense for the salaries of judges has not been beyond what might have been anticipated. The expense, however, of the courts of the United States has increased from about \$30,000 to \$342,000, which is the estimate for the present year. In this branch of the public service, reform seems to be required. While the clerks of our courts are appointed by the judges, and the fees of the former amount to a much larger sum annually than the salaries of the latter, the appointing power may be tempted to participate in the profits of the clerkship, and to sanction the most exorbitant charges. The fees of our district clerks and attorneys ought to be more precisely regulated by law, and the clerks ought not to be appointed by the judges.

The expenses of our intercourse with foreign powers amounted in early years to about \$50,000 annually; the estimate for the present year is \$266,484. This expenditure was considerably augmented by the revolutions in what was formerly denominated Spanish America. The estimate for the present year is not, however, so great as the expenditure for 1829, which was \$289,140 07.

The current expenses of the Indian Department were unimportant and irregular in early years, but all the expenditures in this branch for the first ten years amounted to less than \$32,000 annually; the estimates for 1839 amount to \$866,960, including some appropriations not for current expenses. This increase is owing almost exclusively to annuities and stipulations under treaties with the Indians entered into since 1789.

Having no military establishment worthy of notice at the origin of the Government, the expenditures in this branch of the public service have of course increased. When it is considered that the settled area of the United States has increased, according to the calculations of a scientific engineer, in the ratio of 210,575 in 1790, to 1,013,664 in 1839, some idea may be formed of the vast extent of our present boundaries; and we may well doubt, not-

withstanding the recent increase of the army, whether it will ultimately be found adequate to protect all our extensive frontiers.

Although we have been more liberal in our naval appropriations, that establishment still bears an unimportant rank in comparison with that of every other maritime nation. The improvement in steam navigation, however, seems to promise a revolution in the mode of conducting maritime war, which may render this difference of less importance as it regards existing navies, and may require new and considerable expenditures in this branch of the public service, which will be noticed hereafter.

The appropriations for roads in 1838 were \$540,000. There was no such Federal expenditures in early years.

In the expenses for light-houses there has been a considerable increase, especially within the last two years. The annual amount expended in the first ten years, including the maintenance of the establishment, was less than \$35,000. For many years past it was less than \$300,000 annually; but in 1837 it was suddenly increased to \$1,220,019, and included \$921,964 for new light-houses, &c. In 1838 the appropriations amounted to \$663,873. The estimate merely for maintaining the existing light-houses in the year 1839, amounts to \$394,000. The appropriations for new works of this kind were authorized without proper examinations, and much money has been wasted in this branch of the service. Two years ago Congress directed such examinations to be made before any new work should be commenced. The officers reported in favor of suspending the appropriations for thirty-one of the number of works authorized by the act of 1837. There is a large amount now remaining unexpended in this branch of the service.

The expenditures for fortifications were irregular in the first years; but from 1789 to 1798 the annual average was \$108,000. The appropriations for 1838 amounted to \$1,015,000; and the estimates for 1839, \$1,269,100. This part of the national defence is still in a very incomplete state. The improvement in steam batteries within a few years past renders it, however, a question worthy of inquiry, whether it will not also produce an entire revolution in the plan of harbor defence; and whether it would not be most judicious for the present to confine our expenditures to the armament of the fortifications we have finished, and await the result of future experiments which will become necessary to ascertain whether floating steam batteries are not superior to stationary fortifications in guarding the entrance into and in defending harbors. There are other reasons for suspending new appropriations for 1839. Those existing were not made until the 7th July last, and the act directed that one-half of the amount should be expended in the present year; and there remained undrawn from the Treasury, on the 1st January, \$704,369 56, besides the balances in the hands of our disbursing officers. Under such circumstances, with a deficient revenue, and while there is a probability that a change will be made in the plan of harbor defence, and that the public money may hereafter be more advantageously expended, the committee are of opinion that it is not expedient to add \$1,269,100 to the large amount unexpended and in the hands of disbursing officers.

For the first six-and-twenty years the average amount annually paid for pensions was less than \$84,000. As late as 1814 it was about \$90,000, and

in 1815 less than \$70,000. The late war added about \$200,000 for invalids, and the widows or children of those who had died of wounds received in battle. The whole pension roll of the United States arising from the Revolutionary, Indian, and British wars, did not then exceed \$300,000 annually. The appropriations for pensions in the present year amount to \$2,500,000; to which are to be added the permanent appropriation of \$1,000,000, and unexpended appropriations amounting to \$741,000, making an aggregate for pensions in 1839 of \$4,241,000; and we have now charged upon the public Treasury 42,500 pensioners. A bill was passed at the last session, without debate, and approved on the last day of the session, which draws from the Treasury in the present year \$1,872,000; and there are three general pension bills now pending in the House, which would, if adopted, probably double the annual amount appropriated for pensions.

This result, and in so short a period, could not have been anticipated by the framers of our constitution. The claims of our revolutionary soldiers rested on peculiar grounds. Their services and sufferings were of an extraordinary character, and we had from necessity been compelled to violate our contracts with them. In their case we were warranted in departing from ordinary usage when our means were ample to indemnify them. Pensions to invalids and to the widows or children of those who are killed or who die of wounds received in battle, form a part of the contract, where such laws exist, between the Government and the soldier. But in granting pensions, as we have done, in cases where the soldier was neither killed nor wounded in battle, we violated the pension principle, and charged the public Treasury with half pay to the representatives of all who enlist in the service of Government, whether in peace or in war, in addition to the compensation stipulated for their services. Prior to 1836 there was no departure from the ordinary pension rules, except as to Revolutionary soldiers; but in that year provision was made generally for pensions in ordinary cases of death, while in the service, after the 20th of April, 1818, whether of wounds or not. *The same rule was extended to the navy pension fund, which will be very soon destroyed by such improvident legislation. Prior to 1837, this fund was amply sufficient to provide for our naval invalids, and for the widows or children of those who had been killed in battle. It was invested in stocks, and amounted, on the 1st March, 1837, to \$1,115,239 53; it is now reduced, under the operation of recent laws, to \$293,363 09. Should we have no reform in this branch of legislation, it will be difficult to anticipate the amount which may be annually required for this expenditure. If we continue to grant pensions in cases of ordinary death, in peace or in war, the representatives of those who are employed in the military service, and to all in the naval service, we shall soon follow the example of some monarchies, and extend our pension roll, and with equal justice, to the representatives of all who die in the civil employments of Government.

* The act of 1836 did not include all who died in the military service, after the 20th April, 1818, but embraced militia, rangers, sen-fencibles, and volunteers, and one or more special acts were passed establishing the same principle as to the regular army.

3D SESS.]

Petition from the Settlers in Oregon Territory.

[JANUARY, 1839]

The committee feel it to be their duty to bring to the special notice of the House the heavy and rapidly increasing expenditures upon harbors and rivers. This item was unknown in the early legislation of the Federal Government. The first appropriation was made in 1802; but prior to 1816 only \$36,449 had been expended upon two works, connected directly and indirectly, with navy yards and light-houses. In 1816 and 1819 two other appropriations were made, amounting to \$34,000, both connected with light-houses. A few appropriations were made in 1820, 1821, 1822, and 1823, in the neighborhoods of light-houses and navy yards, amounting altogether to \$51,750; and in 1823 two harbor surveys were authorized, at an expense of \$350.

After we had adopted the policy of raising more revenue than was required for Federal purposes, and as the period approached for the redemption of the public debt, this was one of the new branches of expenditure resorted to in order to absorb a contemplated surplus. Accordingly, and for the first time in the history of our legislation, an act was passed on the 20th of May, 1826, "for improving certain harbors, and the navigation of certain rivers and creeks; and for authorizing surveys to be made of certain bays, sounds, and rivers, therein mentioned." On the 2d of March, 1827, this was followed by a regular annual bill, "to authorize the improving of certain harbors, the building of piers, and for other purposes." These expenditures immediately increased, in 1827, to \$82,500; in 1828, to \$121,000; and in 1829, to \$505,000. In 1838, the appropriations were more than a million and a half, and the estimates for 1839 amount to \$1,713,000.

The aggregate amount already appropriated for these works is \$8,919,043 66, besides canal stocks, and the debt assumed for the corporations of this District for investments in the same, amounting to \$3,383,490; making an aggregate of \$12,302,533 66. The estimates for completing some of these works amount to \$4,650,842 21; but, judging by our experience as to former estimates, it will more probably require ten millions, besides the cost of some of the most expensive works, for which there are no estimates at all. In addition to this, a bill is now pending, and would have passed the House at the close of the last session but for want of time, which, with the amendments, embraced appropriations for new works amounting to near a million of dollars, and involving an ultimate expenditure of probably five millions more.

In 1836 this subject was investigated by the Committee of Ways and Means, and a report submitted by one of its members, (Mr. Smith, of Maine,) on the 10th of February. That report states that there was, even at that time, "a real necessity for hesitation, if not of actual reform, in the further prosecution of public works upon the same system which had, of late years, obtained under the Government;" that they were made subservient "to the purposes of the individual wealth and profit of the agents and contractors immediately concerned;" that the appropriation for one year, and for each succeeding year, in many cases exceeded the whole of the original estimate: that many of the works were built over again, and that others were rotten before they were completed. On the 31st of January, 1837, the same gentleman made another report from the Committee of Ways and Means,

referring to the former as "explanatory of the unproductive, yet growing expenditures of the Government upon harbors and rivers, and expressive of serious doubts of the policy of following out this branch of the public service, unless some more certain, and efficient, and economical system for conducting it could be devised." The opinion of the committee had not been changed by "the experience of another year;" and the report adds, that, "without some curtailment by Congress of the class of works already projected as recipients of its bounty, and without a decisive limitation of its appropriations to works that may justly be denominated of the first magnitude, and of imperious necessity too, it requires no spirit of prophecy to predict that the operations of the civil engineer department will, in a very few years, rival, in expenditures and numerical strength of agents and operatives, the military and naval service of the Government, and constitute a more alarming branch of public patronage than is to be found elsewhere in the Government. From the peculiar nature of their expenditures, corruption, favoritism, and speculation may be reduced to system more successfully in them than in almost any other branch of the civil administration."

If such was the opinion of the Committee of Ways and Means in 1837, it certainly cannot be changed by examining into the present condition of these improvements.

After an experiment of thirteen years on the 103 works for which appropriations have been made, the following is the result:

Never commenced,	-	-	-	3
Abandoned,	-	-	-	1
Suspended,	-	-	-	4
May perhaps be completed with existing appropriations,	-	-	-	14
Completed,	-	-	-	20
Not completed,	-	-	-	61
Total,	-	-	-	103

Some of the works have been built over twice, and the twenty completed cost but \$409,178 25, leaving all the expensive works yet to be finished, and at an expense which cannot even be estimated.

Such is the result of this Federal system of improving our harbors, rivers, and creeks, and building piers for our cities, towns, and villages; and such the prospect before us. The time has certainly arrived when it becomes necessary to inquire whether all these expenditures belong to Federal legislation; and to examine a system which, if made permanent, must entirely change the character of our Government.

IN SENATE.

MONDAY, JANUARY 28.

Petition from the Settlers in Oregon Territory.

MR. LINN presented the following memorial from citizens of the Oregon Territory:

To the honorable the Senate and House of Representatives of the United States of America:

The undersigned, settlers south of the Columbia River, beg leave to represent to your honorable body, that our settlement, begun in the year eighteen hundred and thirty-two, has hitherto prospered be-

yond the most sanguine expectations of its first projectors. The products of our fields have amply justified the most flattering descriptions of the fertility of the soil, while the facilities which it affords for rearing cattle are, perhaps, exceeded by those of no country in North America. The people of the United States, we believe, are not generally apprised of the extent of valuable country west of the Rocky Mountains. A large portion of the territory from the Columbia River south, to the boundary line between the United States and the Mexican republic, and extending from the coast of the Pacific about two hundred and fifty or three hundred miles to the interior, is either well supplied with timber or adapted to pasturage or agriculture. The fertile valleys of the Wallamette and Umpqua are varied with prairies and woodland, and intersected by abundant lateral streams, presenting facilities for machinery. Perhaps no country, of the same latitude, is favored with a climate so mild. The winter rains, it is true, are an objection; but they are generally preferred to the snows and intense cold which prevails in the Northern parts of the United States. The ground is seldom covered with snow, nor does it ever remain but a few hours.

We need hardly allude to the commercial advantages of the Territory. Its happy position for trade with China, India, and the Western coasts of America, will be readily recognized. The growing importance, however, of the islands of the Pacific is not so generally known and appreciated. As these islands progress in civilization, their demand for the produce of more northern climates will increase. Nor can any country supply them with beef, flour, &c., on terms so advantageous as this. A very successful effort has been recently made, at the Sandwich islands, in the cultivation of coffee and the sugar cane. A colony here will, in time, thence easily derive these articles and other tropical products in exchange for the produce of their own labor. We have thus briefly alluded to the natural resources of the country, and to its external relations. They are, in our opinion, strong inducements for the Government of the United States to take formal and speedy possession. We urge this step as promising to the general interests of the nation. But the advantages it may confer upon us, and the evils it may avert from our posterity, are incalculable.

Our social intercourse has thus far been prosecuted with reference to feelings of honor, to the feeling of dependence on the Hudson's Bay Company, and to their moral influence. Under this state of things, we have thus far prospered, but we cannot hope that it will continue. The agricultural and other resources of the country cannot fail to induce emigration and commerce. As our settlement begins to draw its supplies through other channels, the feeling of dependence upon the Hudson's Bay Company, to which we have alluded as one of the safeguards of our social intercourse, will begin to diminish. We are anxious when we imagine what will be, what must be, the condition of so mixed a community, free from all legal restraint, and superior to that moral influence which has hitherto been the pledge of our safety.

Our interests are identified with those of the country of our adoption. We flatter ourselves that we are the germ of a great State, and are anxious to give an early tone to the moral and intellectual character of its citizens. We are fully aware, too,

that the destinies of our posterity will be intimately affected by the character of those who emigrate to the country. The territory must populate. The Congress of the United States must say by whom. The natural resources of the country, with a well-judged civil code, will invite a good community. But a good community will hardly emigrate to a country which promises no protection for life or property. Inquiries have already been submitted to some of us for information of the country. In return, we can only speak of a country highly favored of nature. We can boast of no civil code. We can promise no protection but the ulterior resort of self-defence. By whom, then, shall our country be populated? By the reckless and unprincipled adventurer! not by the hardy and enterprising pioneer of the West. By the Botany Bay refugee, by the renegade of civilization from the Rocky Mountains, by the profligate, deserted seamen from Polynesia, and the unprincipled sharpers from Spanish America. Well are we assured that it will cost the Government of the United States more to reduce elements so discordant to social order, than to promote our permanent peace and prosperity by a timely action of Congress. Nor can we suppose that so vicious a population could be relied on in case of a rupture between the United States and any other power.

Our intercourse with the natives among us, guided much by the same influence which has promoted harmony among ourselves, has been generally pacific. But the same causes which will interrupt harmony among ourselves, will also interrupt our friendly relations with the natives. It is, therefore, of primary importance both to them and to us, that the Government should take energetic measures to secure the execution of all laws affecting Indian trade and the intercourse of white men and Indians. We have thus briefly shown that the security of our persons and our property, the hopes and destinies of our children, are involved in the objects of our petition. We do not presume to suggest the manner in which the country should be occupied by the Government, nor the extent to which our settlement should be encouraged. We confide in the wisdom of our national legislators, and leave the subject to their candid deliberation, and your petitioners will ever pray.

(Signed,) J. L. WHITCOMB, and 35 others.

March 16, 1838.

On motion of Mr. LIGN, the memorial was read, laid on the table, and ordered to be printed.

Salt Duties.

On motion by Mr. BENTON, the Senate took up the request made by him for leave to introduce a bill for the repeal of the salt duty and the fishing bounties, and allowances dependent thereon.

Mr. DAVIS then addressed the Senate, in reply to the remarks of Mr. BENTON, when presenting the bill on Thursday last.

Mr. BENTON replied to Mr. DAVIS at length, after which,

The Senate adjourned.

3D Sess.]

United States Naturalization Laws in British Courts—Case of Theller.

[JANUARY, 1839.]

THURSDAY, January 31.

United States Naturalization Laws in British Court—Case of Theller.

Mr. CLAY, of Kentucky, presented the petition of Dr. E. A. Theller, who stated that he was a native of Ireland, and had been naturalized, and resides in this country; that he had joined in the expedition for the invasion of Canada, and had been taken prisoner; that he had been tried, and convicted of treason—the judge charging the jury on his trial that his act of naturalization in this country was null, and of non-effect, that no subsequent act could expatriate him from his original allegiance. Under these circumstances, Dr. T. asks that Congress should take some action on the subject, which would define the rights of naturalized citizens.

After some remarks from Mr. CLAY, of Kentucky,

Mr. NORVELL said, that the memorialist was a citizen of Michigan. He was an intelligent man, but an enthusiast in whatever related to human liberty. He had sent to him the counterpart of the memorial just presented. The facts in the memorial were as stated by the Senator from Kentucky. The memorialist was a native of Ireland, but a naturalized citizen of the United States. In the early part of the past year, he embarked in the struggle for Canadian liberty. He was captured in the Upper Province of Canada, and taken to Toronto. There he was tried, condemned, and sentenced to execution, on a charge of high treason against the Queen of Great Britain. The chief justice of the province, who presided at the trial, instructed the jury, that no subject of the kingdom could ever expatriate himself. Birth, and the residence of one hour in the British dominions, created a perpetual allegiance. From this allegiance the subject could never be exonerated, under any plea or pretence. The memorialist owed his present safety from the penalties of treason, to his escape from the citadel of Quebec.

These were the facts which gave rise to this memorial. Upon these facts, the memorialist appeals to Congress to adopt measures for the adjustment of this question of perpetual allegiance claimed by Great Britain from all her native born subjects, and for the protection of all such subjects as have become, or may become, naturalized citizens of the United States. The subject was certainly one of great importance. The doctrine of perpetual allegiance, asserted by Great Britain, was an absurd relic of feudal barbarism. It was incompatible with the constitution and laws of naturalization of the United States. By those, British subjects may and do become American citizens. They are entitled, equally with our native citizens, to protection in all their lawful pursuits, wherever they may happen to be. This Government was thus bound to protect them in peace and in war.

Mr. Madison, in the last war with Great Britain, steadily maintained this principle, resisted the claim of that kingdom to the perpetual allegiance of her subjects after they had become our citizens, and repeatedly intimated his determination to retaliate for every injury inflicted upon our naturalized citizens, captured as prisoners of war, if they were punished on the ground of their being subjects, or if they were treated differently from other prisoners of war. The memorialist was mistaken in supposing that the treaty of peace between this country and Great Britain recognized the right of that kingdom to the perpetual allegiance of her native born subjects. No such expression is to be found in those treaties. Our Revolutionary ancestors were all British subjects at one time. In separating from the mother country, they ceased to be her subjects. And how could they, in the treaty of peace which recognized them as a separate and independent nation, permit Great Britain to assert any claim to the perpetual allegiance of those who were born within the British realms?

No principle is more clear than that the naturalized citizens of the United States possess all the rights and are entitled to all the protection which could be claimed by native citizens. No duty is more imperative upon the Government than that of affording equal protection to the naturalized as to the native citizen; and he had no recollection of any failure on the part of any Republic or any Administration to perform its duty in this respect.

The circumstances which had produced this memorial were peculiar, and had embarrassed any action which the Government might have been disposed to take on the subject. The memorialist had, in his zeal for the liberty of a foreign province not prepared to assert its own freedom, invaded that foreign province; and had, with a number of our native citizens, waged war upon the British authorities, while his own country was at peace and in amity with them, and had been captured. He and his coadjutors had voluntarily, at least for a time, expatriated themselves. They had left their own country to engage in a foreign civil war. Now, in this situation, what right had our Government to exercise its power for their protection, except by way of friendly interposition? If the memorialist had been taken while fighting the battles of his adopted country; if, without committing aggression upon the established Government of a foreign power, he had, while passing through any part of its dominions, been taken on any pretext, and tried for any offence not committed against the peace of that power, and condemned on the claim of a perpetual allegiance from him, then this Government would have been bound to interpose for his protection, and would have protected him. As it was, the Executive acted with regard to him precisely as it did with regard to native citizens

JANUARY, 1839.]

Small Silver Coinage for Change.

[25TH CONG.]

captured at the same time with him. It sent an agent to Toronto for the purpose of prevailing with the provincial authorities to release the prisoners. It made no distinction between the naturalized and the native citizen. What more could it do, without involving the nation in a war? It might have made a formal declaration, that it would never recognize the principle of perpetual allegiance, as asserted in the trial and condemnation of the memorialist. It might, as intimated by the Senator from Kentucky, have remonstrated against that barbarous principle. But if it had done so, the danger was, that he would have been forthwith ordered to execution, for the very purpose of showing a determination practically to maintain the British claim to the perpetual allegiance of their subjects. He had no doubt that this consideration had operated upon the execution in this case. He had alluded to these facts to show that this Government had not been inattentive to its duty on this occasion.

THURSDAY, January 31.

Liberation of American Slaves by British Authorities while passing from one U. S. port to another.

Mr. CALHOUN offered the following resolution, which was considered and agreed to :

Resolved, That the President of the United States be requested to communicate to the Senate whether the Government of Great Britain has made compensation in the cases of the brigs *Enterprise*, *Encomium*, and *Comet*, the first of which was forced by stress of weather into Port Hamilton, Bermuda Island, and the other two wrecked on the keys of the Bahamas, and the slaves on board forcibly seized and detained by the local authorities; and if no compensation has been made, the reasons why it has not been made, with a copy of the correspondence between the two Governments, which has taken place since the answer to a former call on the same subject by the Senate.

Small Silver Coinage for Change.

Mr. STRANGE presented certain resolutions adopted by the Legislature of North Carolina, representing the scarcity of specie change in that State, and asking for the passage of a law authorizing the branch mints to coin silver change.

The resolutions having been read—

Mr. CLAY, of Kentucky, wished to make a single observation on the subject, before it was passed. This complaint of the want of silver change was not confined to North Carolina, but existed in other places, and was produced by that disproportionate value between gold and silver coin which originated in the celebrated gold bill. The effect of this bill was this: that when it became necessary to export specie, silver was exported in preference to gold, because the silver was more valuable in foreign countries; and hence, he apprehended, was the scarcity in North Car-

olina. He had lately received a communication on this subject from one of our commercial Northern cities, which attributed the scarcity of silver change to this cause.

Mr. STRANGE said that when he offered the resolutions of the Legislature of North Carolina, he had not the slightest expectation that they would have given rise to any debate; but as the Senator from Kentucky had thought proper to notice them, for the purpose of introducing notions on the subject of the currency, he felt it due to himself and his constituents, from whom these resolutions emanated, to make a brief reply. He wholly dissented from the position laid down by the Senator from Kentucky, with regard to the causes which produced the scarcity of silver change. It was not exportation which produced this scarcity, but it arose from the hoarding of silver by the banks, who issued, in lieu of it, their small notes. In fact, he did not believe that silver coins of the lower denominations were ever exported.

Mr. CLAY, of Kentucky, hoped he might be permitted, without offence, to make a few observations on the subject presented by these resolutions, particularly as it was one of importance, to which his attention had been recently directed. He happened to receive, but a few days ago, a communication from an intelligent gentleman, in one of our principal seaports, affirming that the scarcity of silver change was one of the effects of the passage of the gold bill; because, by reducing the standard of the gold coin, it became less valuable as an article of exportation than silver, and, therefore, the latter was always exported. Now this was exactly what was predicted by himself and others, at the time of the passage of the law, for the adjustment of the value of the two coins; and the result has proved the correctness of the prediction. Gold could not be exported under that law, without disadvantage, unless exchange was greatly against us; but silver can profitably be exported, and when exportation becomes necessary, it is of course made in that species of coin in which it can be sent abroad without loss. This was exactly in accordance with the information which he had just received from an intelligent source, in one of our large commercial cities.

Mr. NILES thought that the Senator from Kentucky (Mr. CLAY) was mistaken in the causes to which he had attributed the scarcity of silver change, and that he was mistaken in the fact that a scarcity of change existed in the country at large. He thought there was no such scarcity; he knew, in many places, it was abundant. Within his own experience, banks had refused to receive it. This was a convincing proof that there was abundance of it. It is known to every one who has inquired into this subject, that silver change is never exported, because its nominal value in a foreign market would be lost, and it could only be disposed of as bullion to be recoined, occa-

3D SESS.]

Small Silver Coinage for Change.

[JANUARY, 1839.]

sioning much loss by the process. There may be a scarcity of change in some States, but that is the result of their paper systems. The hostility of paper to silver is well known; indeed, so hostile is it, that where it has the power, even silver fivepennybits are driven out of circulation. What was the result in Philadelphia, where the mint was located, during the late suspension? In that city, which, previous to the suspension, was thoroughly saturated with silver change, after the barrier was broken down and the emission of shimplasters authorized, no change whatever could be procured. In a single night, the state of things was completely changed. Instead of an abundance of silver change, there was an entire absence of it. And a similar result will always follow a similar cause; and to the extension of our paper system, the circulation of one dollar notes, and notes for a fractional part of a dollar, may we much more appropriately look for the scarcity of silver change, than the operations of the gold bill of 1836.

Mr. STRANGE said, that, upon reflection, he was entirely satisfied that the Senator from Kentucky was grossly mistaken in the positions laid down by him. Every man knew that there had been a great increase of specie in the country, since the passage of the gold bill. Now this increase could not be altogether in gold, but must be partly in silver and partly in gold. He was also satisfied that there could not be the difference in value, between the gold and silver coinage, which the Senator from Kentucky supposed; for he believed that their relative value was as nicely adjusted as it was possible for human ingenuity to do it; indeed, this was shown to be the case by the prices current in foreign countries.

The Senator from Kentucky had attributed the disappearance of silver specie to exportation, and he attributed it to the hoarding of it by the banks, and partly by individuals. Change was a thing that was never exported. The country must be reduced to the lowest ebb, before it would suffer the inconvenience and loss of sending it abroad; because it must go as mere bullion, to be recoined, in the countries to which it is sent. Every man of reason and reflection, could see at once the true cause for this scarcity; and upon the soundest principles of philosophy, when one good cause presents itself it was idle to search for another. He would not have troubled the Senate with these remarks, but for the immediate connection the subject had with his constituents and himself, and but for the false position laid down by the Senator from Kentucky.

That Senator seemed to have taken North Carolina under his especial charge, and to have felt himself called upon to take part in the public struggles within her. When he and his colleague, some time ago, introduced certain resolutions coming from their State, the Sena-

tor took the unusual course of appearing as the advocate of one of the political parties of that State, and, in a lengthened address, assigning his views as to the complexion of the document, and the course of the North Carolina Senators on this floor. And what followed? Why, a garbled statement of the debate was immediately sent out, in one of the papers of this city, in advance of the true statement, containing the answers of his colleague and himself; and no doubt the intended effect was produced before the contradiction could overtake the misrepresentation, which was published in every Whig paper in the State. What was the case now? These being North Carolina resolutions, the Senator from Kentucky, who seems to take such an interest in that State, rises in his place, and assumes a position in relation to them, which, if uncontradicted, will have an unfavorable effect on the public mind. We must, said Mr. S., be more fortunate now than usual, if the contradiction accompanies the assertion.

Mr. CLAY, of Kentucky, said he was unwilling to prolong this discussion, but he would assure the Senator from North Carolina that he had not the least inclination to interfere between him and his constituents. When the resolutions from the Legislature of North Carolina instructing her Senators were presented, he had offered some remarks because they had adverted to matters of general interest, and if an incorrect report of them had gone forth to the world, no one would regret it more than he did. He would have been pleased had the discussion been published just as it occurred in the Senate, but he had no agency or control of the subject. So much for that matter. This morning the Senator presents resolutions on the subject of silver change, and I, having within a few days received communications from different sections of the country on the same subject, think proper to make a few remarks; was this interfering between the Senator and his constituents? He thought not. But the Senator seems to think that I am mistaken in the cause to which I attribute the scarcity of silver change, viz: the unequal valuation of the gold bill. But did not facts bear out the assertion? Look at the importation of specie since the passage of the gold bill. Is it not almost exclusively in gold? and why? Because of the appreciation of that metal and the depreciation of silver by that bill. This affords a greater profit on the importation of gold, and hence there is not a proportionate supply of silver—the metal which furnishes change. So, too, when exchange with foreign nations is against us, and it becomes profitable to export specie, it is found more advantageous to send silver than gold; and hence a cause of the scarcity of change in Philadelphia, New York, and other cities, which are more immediately subject to be drained of their specie by their contiguity to our commerce. He did not consider him-

self infallible on this subject, but in expressing his views or theories on the matter, he did not think he was doing any thing improper as an American citizen or a member of the Senate.

Mr. STRANGE was very unwilling to prolong this debate, but he had been drawn into it very unexpectedly and unwillingly. He had assumed a position, which he felt bound to maintain the truth and reason of. He said that the Senator from Kentucky was guilty of a *petitio principii*—that he had assumed a principle not founded on fact. This the Senator had denied, but in the course of his remarks, he had shown a better reason for the disappearance of silver change than he had given in the beginning; and if he was right, there was no reason for its exportation, but a very good reason for its importation.

The Senator could not escape from his position, for whatever relative difference there was between gold and silver, paper was still cheaper than either. He admitted that the number of one dollar notes was greatly reduced. But small bills, even as low as three dollars, were still in circulation, to a great extent, and these, as long as they were permitted to circulate, had the tendency to exclude change from circulation, and cause it to be hoarded. The Senator said that the banks had no interest in hoarding specie. But this argument could not stand, for it was their interest to hold on to all the specie they could get, so as to circulate their own notes, and this was the true cause for the disappearance of change. It was, therefore, perfectly idle to search for any other cause, or to talk about the exportation of the smaller coin which never was resorted to. When the gold bill was passed it was not to elevate gold, but to bring it to its true value, when compared with silver. It was contended that the gold coin was above par, and was, consequently, so valuable for exportation, that it could not remain in the country. The bill was, therefore, passed to remedy that evil, and he had no doubt but it had effected that object.

Mr. LUMPKIN said he did not intend to enter into a discussion of the relative value of gold and silver coins, but to express the opinion that the object of the Legislature of North Carolina, and the object of the people of the Southern Atlantic and South-western States, was to obtain a supply of silver change in place of the odious shipplasters which now infested the interior. With proper legislation it was obvious that that object could be effected greatly to the interest of the people, without any expense to the Government. It was known to all acquainted with mining operations, that where gold was found, there was a proportion of silver found with it. Now, under the existing laws, the branch mints were not allowed to coin silver change, though they had had a sufficiency of silver for that purpose, which, if coined, would not be exported, but go into the

circulation of the country, in place of those filthy shipplasters which now usurped their place. That was the object of these resolutions, and it was out of place to go into any foreign causes for the scarcity complained of.

Mr. BENTON applauded the sound and practical views presented by the Senator from Georgia, (Mr. LUMPKIN,) and considered what he said to be entirely conclusive on the point to which he directed his observations. He did not rise to add any thing to those remarks, but to call the attention of the Senate to a report from the Secretary of the Treasury, which had just been printed, and laid on our tables, and which might not yet have been observed by members. It was a report which contained the precise information which this conversational debate required, and which would show how great was the error of supposing that gold coin had been overvalued in the United States, by the act of 1834, and how far that act was from preventing an importation of silver, or causing it to be exported, or banishing silver change.

It would be recollected, Mr. B. said, that the friends of hard money had passed two bills in 1834—a silver bill, as well as a gold bill. The object of the latter was to correct the error of our gold standard; the object of the former was to repeal the law passed by the United States Bank party in 1819 to illegalize the circulation of all silver except Spanish milled dollars, of which, in consequence of the cessation of the Spanish dominion over Mexico and South America, there were no longer any coined. It was, therefore, an act to illegalize the circulation of the only silver which came to us.

At the time of the passage of these bills, continued Mr. B., the most lugubrious vaticinations were indulged in by the paper-money party. They were incessant and vehement in their declarations that the hard-money currency was ruined; that gold was debased; that it would supersede silver, prevent its importation, cause its exportation, and drive it out of the country; and that we should have no hard-money currency but a debased gold coinage. These were the declarations incontinently repeated at that time; and now, after upwards of four years' experience, how stands the fact? Sir, the fact stands thus: that so far from preventing the importation of silver, the actual importation of that coin has exceeded thirty-five millions of dollars since the passage of the gold bill; being the largest importation of that coin which has ever taken place since the establishment of the Federal Government. So much for importation; now for the exportation; and here it is seen that the export, instead of being confined to silver, was, at the only time that a commercial exportation took place, which was in the spring of 1837, when the banks suspended, far larger of gold, in proportion to the quantity of the two metals which were in the country, than it was of silver. The report of the Secretary of the Treasury shows that the

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export of gold was, during that year, \$1,828,000, while the export of silver was only \$2,756,000. Now, the quantity of silver in the country at that time was at least four times greater than that of gold; and, therefore, the export of silver should have been eight or nine millions to have been in proportion to the gold, while it was not, in fact, so much as one million more. Thus it is proved that our gold bill has neither prevented the importation of silver, nor caused its exportation. There is upwards of seventy millions of silver now in the country, besides the gold; and the only cause of its disappearance from circulation is in the deluge of small notes with which the paper-money party floods the land.

So much for silver: with respect to gold, the same report shows that we have imported about twenty-six millions, either in gold coin or bullion, since the passage of the gold bill; that there has been coined of the former gold of the United States about a million and a quarter; and of native bullion about two millions and a half; making an acquisition of that metal, in about four years, of thirty millions of dollars, without counting what came in by emigrants, and escaped registry at the custom-houses. The whole acquisition of gold and silver since 1832, when the United States Bank charter was vetoed, and when our hard-money policy first commenced, is at least eighty millions; which, added to twenty millions which was in the country at that time, makes at least one hundred millions now in the country.

Besides the view of our acquisition of gold and silver since the two hard-money bills of 1834, the same report of the Secretary of the Treasury shows us the state of the circulation of the Bank of the United States during the whole period of its existence; and this statement shows us that the quantity of gold now in the United States is near three times the average circulation of that Bank, and near one-third more than it ever was at its most expanded period. The average circulation of that Bank was only eleven millions of dollars; its highest annual circulation was only twenty-two millions, while our gold coin is now actually about thirty millions. This being the case, we ought to have a plentiful gold currency; we ought to have three times as much gold in circulation as we formerly had of United States Bank notes. But this is not the case; and why? Because the banks hoard the gold, and will not pay it out in redemption of their notes, and because the Government of the United States encourages and fosters that practice of the banks by dispensing with the use of gold, and using the notes of the banks in the collection and disbursement of its revenue. As long as this is the case—so long as the Federal Government uses bank paper—gold will remain locked up in the banks; and there will be no way to get it out of them but to make them overflow—to gorge them—to bring so much gold into the country that the banks cannot hoard the whole of it.

This is another proof, continued Mr. B., that gold is not debased by our new law. If it was debased—if it was reduced below its relative value to silver—it would be always paid out in preference to silver; but it is not so paid out. On the contrary, it is hugged and hoarded by the banks; they will give silver for their notes, but they make apologies when you want gold.

There is still another proof on this head; it is to be found in every price current. Look to the relative value of American gold and silver in any one of these papers, and you will always find it to be about equal. Spanish milled dollars—those with a Spanish king's head, especially the pillar dollars, the column of Hercules dollars—they bear a premium, because they are wanted for exportation to the East, where their currency, for three centuries and a half, has made them the most acceptable foreign coin which can be carried to the Asiatic or African countries; but American gold coin and silver are even in the market.

No, sir. Gold does not expel silver, but small bank notes and shinplasters do expel it. A political party, and the banks in their interest, do all they can to banish both gold and silver; and it is the bounden duty of the Federal Government to cease to be accessory to another explosion of the banks by continuing to dispense with the use of coin, and continuing to use paper money. Another explosion is coming. It will come as certainly as the revolution of the seasons; and the Federal Government should foresee the event, and provide against it by going back to the act of 1789, and acting upon that act, and receiving nothing but gold and silver in payment of its revenues. This would check bank expansions, and protect the country as well as the Federal Treasury.

At 10½ premium on foreign exchange, exportation of specie begins. The cotton dealing Bank of the United States, can put it up to that point any day that it pleases. It put it up in May of 1837; the exportation of specie immediately began; and over every parcel exported the paper-money party shouted, exulted, and triumphed, as if a great victory had been achieved. And so it will be again. The premium on foreign exchanges is now upwards of 9 per centum; it can be made 10½ at any moment; then for exporting specie, triumphing again, more panics, shutting up banks; and charging the whole upon the Democratic Administration.

To return to the North Carolina resolution; it is a wise, just, and necessary measure which it requires. The branch mints should coin silver change; they will be able to supply it to districts of interior country, which cannot obtain supplies from New Orleans or Philadelphia. This Administration, and that of Gen. Jackson, have begun to furnish a national supply of silver change. They have done much; but it is only the commencement of what ought to be done. The country does not yet feel the supply. Nine-tenths of the Union has no silver

change of our coinage. It will take years of close work at all our mints to give us the supply of this change which France and England has, say three dollars ahead to each person of their whole population. It will take us several years to attain that point; and we need it more than the French and English do; for we have to guard against the shinplaster party; we have to guard against another deluge of shinplasters at the next suspension of the banks; we have to guard against this pestilence; and it is our business to provide such an ample supply of silver change that there can be no pretext for another issue of this pestiferous stuff.

Silver change is never exported; and this is another reason for an ample supply of it. Two or three dollars ahead, for our whole population, ought to be coined in 25 cent, 10 cent, and 5 cent pieces.

Mr. BROWN observed that he was not in his seat when his honorable colleague presented the resolutions, but he had heard a part of the debate which had grown out of them. He rose now for the purpose of declining to enter into the discussion on what he considered a mere abstract proposition. The Senate had given the best proof of its conviction of the value of silver circulation, by passing the bill which he introduced at the early part of the session, to authorize the branch mints to coin silver change. He had now nothing further to say than to express the hope that this bill would receive a favorable consideration in another quarter.

On motion by Mr. STRANGE, the resolutions were then laid on the table, and ordered to be printed.

HOUSE OF REPRESENTATIVES.

MONDAY, February 4.

Vermont Anti-Slavery Resolutions.

This being petition day, the SPEAKER announced, as the first business in order, the joint resolutions of the Legislature of Vermont, presented two weeks ago by Mr. EVERETT, on the subject of the abolition of slavery in the District of Columbia, the slave-trade, &c., which Mr. E. had moved to have read, printed, and referred to a Committee of the Whole on the state of the Union.

The CHAIR had decided that these resolutions fell within the operation of Mr. ATHERTON's resolution of the 12th of December, and that they must go on the table, in the words of that order, without being read, printed, debated, or referred.

Mr. EVERETT took an appeal from that decision.

The SPEAKER stated the grounds of his decision substantially as follows: certain joint resolutions were presented from the Legislature of Vermont, embracing, among other things, the subject of the abolition of slavery in the District of Columbia, the slave-trade between

the States, and the admission of new States into the Union. The CHAIR decided that these portions of the memorials or resolutions, under the order of the House of the 12th of December last, would lie on the table. Any other portion of the resolutions which merely went to protest against that order, would not fall within the operation of it. Upon presenting these resolutions, the gentleman from Vermont moved that they be read, printed, and referred to a committee—

Mr. EVERETT. To a Committee of the Whole on the state of the Union.

The SPEAKER. It is the same thing. The CHAIR then reiterated several former decisions of the House, identical with the one then under consideration. In the first session of the 24th Congress, while the select committee raised under the resolution of Mr. PINCKNEY on the subject of slavery was in existence, a gentleman from Virginia, not now a member of this House, (Mr. Patton,) presented certain joint resolutions of the Legislature of that State on the subject of Abolition, and moved their reference to that committee with certain instructions. There was an existing order then in force for the reference of all papers on this subject to that select committee, under similar prohibitions against being read, debated, &c., and under the general phraseology of that order, the present Speaker decided that resolutions of State Legislatures fell within its order. From that decision Mr. Patton took an appeal, and upon a solemn vote of the House the decision was sustained by a vote of 143 to 40. Upon the point as to reading such resolutions, the same question was decided at the same, and again at the subsequent sessions, viz., that, under the then existing orders, they could not be read. At the same session of that Congress, a memorial on the subject of Abolition, &c., was presented by the same gentleman from Vermont, who asked for its reading. The Speaker decided it must go to the select committee without reading, and the House acquiesced in that decision. At the second session of that Congress, the gentleman from Massachusetts, (Mr. ADAMS,) after the adoption of an order similar to the one now in force, presented a memorial on the subject of Abolition, and called for its reading. The Speaker decided that it must go on the table without being read, printed, or referred, reciting the words of the order. An appeal was taken from this decision, and the appeal was laid on the table. On the same occasion, Mr. ADAMS presented upwards of twenty other similar petitions, and asked the reading of each. The Speaker made the same decision in each case, the gentleman appealed in every one of them, and the appeals were severally laid on the table by a vote of the House. These questions had been repeatedly settled by the House.

Mr. BRONSON had intended, at first, he said, to demand the previous question, but he now moved to lay the appeal on the table.

3d Sess.] *Remonstrance against Interference with Slavery in the District of Columbia.* [FEBRUARY, 1839.]

Mr. EVERETT called for the yeas and nays on that motion, which, being ordered, were—yeas 122, nays 44.

Mr. EVERETT then moved to refer that portion of the resolutions relating only to the resolution of the 12th of December to a Committee of the Whole on the state of the Union.

Mr. DROMGOOLE moved to lay it on the table, which was agreed to without a division.

IN SENATE.

TUESDAY, February 5.

Armed Occupation and Settlement of Florida.

On motion of Mr. BENTON, the bill for the armed occupation and settlement of Florida was taken up, and discussed by Messrs. BENTON, PRESTON, and LINN.

THURSDAY, February 7.

Remonstrance against outside Interference with Slavery in the District of Columbia.

Mr. CLAY, of Kentucky, presented a memorial, signed by a number of the inhabitants of the District of Columbia, remonstrating against the interference of the citizens of other parts of the country in the subject of slavery in the District, and against any action on the part of Congress in compliance with such unauthorized interference.

After giving an abstract of the contents of the memorial, Mr. C. said he would embrace the opportunity of presenting his views on the subject of these Abolition petitions. He said he had been, and was still of the opinion, that the proper course for the disposal of these petitions would have been to receive them, and refer them to an appropriate committee, who might present to the community a strong and argumentative appeal on the subject. A majority of the Senate thought otherwise; and while they had no intention to violate the right of petition, the course which they had adopted had enabled the Abolitionists to represent them as having done so, and thereby greatly to increase their numerical strength. He said that the petitions for the abolition of slavery in the District and in the Territories was but a means of accomplishing the ultimate aim of the Abolitionists—universal emancipation. They were stages, and short stages to a bloody goal—emancipation without compensation, and without moral preparation. For this they were attempting to excite the people of one section of the Union against another section, by exaggerated pictures of the horrors of slavery. Hence their continual agitation of the subject, and their attempt to connect it with the political controversies of the country. He alluded to the distinguished agitator on another sphere, (O'Connell,) who has said that we should be excluded from the respectable society of Europe; a society to which he himself has only a

kind of contraband admittance, and was tolerated with a scornful repugnance. He considered his ebullitions as the malignant ravings of the plunderer of his own country, and the libeller of a kindred people. He said that persons of both sections, and of the different political parties of the Union, have endeavored to profit by the Abolition excitement. Previous to the late Presidential election, Mr. Van Buren had been charged with being an Abolitionist. He (Mr. C.) never participated or believed in this charge. No, sir, he is no Abolitionist. He conjured Abolitionists to pause, and look on the dreadful precipice towards which they were hurrying our beloved country. He denied that Congress had any power to legislate upon the subject of slavery. He said that by the Missouri compromise, Florida had a right, when she had the requisite population, to be admitted to the Union with the institution of slavery. He denied the right of Congress to interfere with slavery in the District of Columbia, so long as slavery did not interfere with the comfortable occupation of the District as a seat of Government for the Union, which was provided by the act of cession. The idea of Congress having power to prohibit the transportation of slaves from one State to another, was preposterous. He said that the ultimate aim of Abolitionists was emancipation, the universal emancipation of three millions of slaves in the United States. These were, on an average, worth at least four hundred dollars each; and thus would result the destruction of property to the amount of twelve hundred millions of dollars, by a single fiat of legislation. It was said there was no right of property in slaves; but that was property which the laws made property. If Abolitionists were sincere, they should begin, as a preliminary step, to raise these twelve hundred millions of dollars, for it would be the height of injustice to ask citizens of slaveholding States to raise money to pay for their own property. He said that the Abolitionists, whatever they might profess, were in favor of amalgamation, and supposed, as the leading white Abolitionists evinced no disposition to commence the work, that they intended that it should be carried out by the poorer class, who were expected to consent to the vile and loathsome association. He said that the two colors could not associate together on terms of equality; the whites must rule the blacks, or the blacks would rule them; that contests for superiority would inevitably take place, and widely extended carnage and desolation would be the result. Our country, with its happy population, its smiling cities, and well-cultivated plantations, would present naught but desolated fields, conflagrated cities, and scenes of butchery and murder. Mr. C. illustrated and defended these and other positions, in an able speech of nearly two hours in length.

Mr. CALHOUN said, that when he turned his eyes back for the last twelve months, and compared what he then heard with what was now

said, in the same quarter, he was forcibly struck, and he might say, pleasurably, with the change. I think, said he, that it was just about one year since that the Senate was engaged in the discussion of a series of resolutions relating to the same subject on which we have heard the Senator to-day, and which occupied the time of this body for about two weeks, in the discussion of what many were pleased to call useless abstractions. At that time Abolition was advancing with strides which threatened the Union itself. To meet the approaching danger, he (Mr. C.) turned his eyes to State Rights, as the ark of our safety, and which has, heretofore, carried us safely through every difficulty. The resolutions to which he referred, were put forward as the rallying ground for all who embraced the State Rights creed. How they were received on the Opposition side, he would not say; but on this side he was ably supported by his Republican friends of the North, the grateful recollection of which he should ever retain. That movement gave the first effectual blow to Abolition.

At the close of the session, it was followed up by an address to the people of the United States, which was headed by the Senator from Connecticut on my right, (Mr. NILES.) It took the same elevated ground, that this was not a consolidated Government, but a Federal Republic of confederated sovereignties; and that neither this Government nor any of the States, or their citizens, had a right, either here or elsewhere, to interfere with the domestic institutions of the other States. This address, following the original move, had a powerful effect in consolidating all of the State Rights creed throughout the entire non-slaveholding States against the Abolitionists, which effectually checked their further progress.

At the beginning of this session, another movement on the same principle, made in the other wing of the Capitol, (Mr. ATHERTON's resolutions,) and which was sustained by a strong majority, followed with the most happy effect. The work was done. The spirit of Abolition was overthrown, of which we have a strong confirmation in what we have this day heard. The South was consolidated as one man against it, and a great political party of the North was nearly equally united in opposition; and he hoped, from indications that could scarcely deceive, that the other party there would also soon be found rallied against it.

Sir, (said Mr. C.,) this is a great epoch in our political history. Of all the dangers to which we have ever been exposed, this has been the greatest. We may now consider it as passed. The resolutions to which he referred, with the following movements, gave the fatal blow, to which the position now assumed by the Senator from Kentucky has given the finishing stroke. What has been done, will be followed by a great moral revolution in the tone of feeling and thinking in reference to the domestic institutions of the South. Already the discus-

sion has effected a great change among ourselves. There were many, very many, in the slaveholding States, who, at the commencement of the controversy, believed that slavery, as it existed among us, was an evil to be tolerated, because we could not escape from it, but not to be defended. That has passed away. We now believe it has been a great blessing to both of the races—the European and African, which, by a mysterious Providence, have been brought together in the Southern section of this Union. The one has greatly improved, and the other has not deteriorated; while, in a political point of view, it has been the great stay of the Union and our free institutions, and one of the main sources of the unbounded prosperity of the whole. Now that we have withstood the shock, our institutions would be viewed more fairly than they have hitherto been, and he had no apprehension but that the result would be a great change of feeling towards them, not only in our country, but over the civilized world.

I did not rise, said Mr. C., to enter into a discussion of the subject. I heard the Senator from Kentucky with pleasure. His speech will have a happy effect, and will do much to consummate what had already been so happily begun, and successfully carried on towards a completion.

SATURDAY, February 9. •

Florida Armed Occupation.

MR. BENTON moved to take up the bill for the armed occupation of that part of the Territory of Florida now overrun by bands of marauding Indians; which motion was agreed to, and the bill was taken up as in Committee of the Whole, the question being on the motion for the indefinite postponement of the bill.

On taking this question, it was decided in the negative, as follows:

YEAS.—Messrs. Bayard, Clay of Kentucky, Clayton, Davis, Foster, Knight, McKean, Merrick, Morris, Prentiss, Preston, Rives, Robbins, Ruggles, Smith of Indiana, Spence, Swift, Tallmadge, Webster, and White—20.

NAYS.—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith of Connecticut, Wall, Williams of Mississippi, Wright, and Young—24.

MR. BENTON offered several amendments to the details of the bill, which were adopted.

MR. WILLIAMS, of Mississippi, offered an amendment requiring the settler to be over eighteen years of age, to be entitled to the grant of land provided in the bill; which was adopted; and,

On motion by Mr. BENTON, the bill was ordered to be printed as amended, and laid on the table till Monday next.

3D SESS.]

Application of Steam to Navigation—Dr. Rumsey.

[FEBRUARY, 1839.]

HOUSE OF REPRESENTATIVES.

SATURDAY, February 9.

Application of Steam to Navigation—Dr. Rumsey.

MR. UNDERWOOD called up the following joint resolution, reported by him a day or two ago, from the Select Committee raised on the subject:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, requested to present to James Rumsey, junior, the son and only child of James Rumsey, deceased, a suitable gold medal, commemorative of his father's services and high agency in giving to the world the benefits of the steamboat.

The motion of Mr. U. being agreed to,

MR. RUMSEY, of Kentucky, rose and said:

•James Rumsey was a native of Maryland, from which State he removed, in early manhood, to Shepherdstown, Virginia, where he turned his attention exclusively to engineering and mechanical pursuits—superintending for a time the operations of the Potomac company in improving the navigation of that river—suggesting many novel views in mechanism, and making various improvements in *milling* and the application of water power. As early as July or August, 1783, as appears by the testimony, he conceived the idea of navigation by steam; and from this time to the hour of his death his whole soul was absorbed in this great subject. It will be recollected that at this early period the mechanic arts, and, more especially, that branch embracing steam machinery, were in their very infancy in America. There was no steam machinery in it. There were no practical artists capable of fabricating any. Even in England, although some progress had been made by Watt, the steam engine, and its great appendage, the boiler or generator, were rude, imperfect, comparatively inefficient. Rumsey had to invent, to originate every thing—to procure from different places, and different workshops, and, though not a practical mechanic, often to fashion and modify with his own hands the various parts of a work even now difficult and complicate. From the inexperience of workmen, and the total absence of all the tools and machines now collected in engine factories, his progress was necessarily expensive, slow, embarrassed, and all execution so imperfect as to preclude the possibility of more than partial success. Under these most disadvantageous circumstances, he succeeded in the autumn of 1784 in making a private, but very imperfect experiment, in order to test some of the principles of his invention. And notwithstanding much of his machinery was so utterly defective as quickly to fail in many parts, and to require renewal and reconstruction throughout, yet so well convinced was he of ultimate success from this experiment, that, at the October session of the Virginia Legislature for that

year, he applied for and obtained an act guaranteeing to him the exclusive use of his invention in navigating the waters of the State. This will be seen by reference to the statutes of that Commonwealth. About the same time, also, he communicated his invention to General Washington, as appears by a letter of that personage, the original of which was before that committee, dated November, 1787, to the late Governor Johnson, of Maryland. It seems that he did not earlier make this communication to Washington, because he had not matured and digested his plan, or tested its truth by any, even partial experiments. And when he did make it, so new, so bold, so original, and unheard of as it, that Washington declares in that letter that he considered it “rather as an ebullition of his genius” than as any thing likely to be available.

In the beginning of the next year, (January, 1785,) he obtained a patent from the General Assembly of Maryland for navigating by steam the bays and rivers of that State; and immediately afterwards commenced preparations for an experiment on a larger scale. Through the whole of this year, he was deeply engaged in building a boat, and procuring, improving, adapting and testing the several parts of his machinery. He did not, however, from the causes which I have before mentioned, get ready for a public trial until the year following, (1786,) which, all things considered, was eminently successful. This experiment was made on the Potomac, near Shepherdstown, Virginia, in the presence of hundreds of spectators. It is proven by various witnesses. It is described in the letter of Mr. Bedinger, and certified by Doctor Alexander, of Baltimore, for whose high respectability I refer to such of the delegation from Maryland as are acquainted with him. The gentleman near me (MR. JENIFER) says there is no one more worthy of full confidence. In this trial he succeeded, notwithstanding the unavoidable imperfection of his machinery, in *propelling his boat against the current by steam alone four or five miles an hour*. There was long in the possession of one of his family an ancient pamphlet—with high evidence of authenticity upon its face, which I have often read, and the general contents of which, I know, are recollected by many persons in Kentucky—containing the approbatory certificates of numerous gentlemen, who witnessed this exhibition; amongst them, that of General Gates, as mentioned by Mr. Bedinger. This pamphlet has been lost or mislaid; and those interested have been unable to repossess themselves of it, or to obtain another copy. But independent of this mass of testimony, the proof before the committee as to this experiment is so clear, so ample, and conclusive, that no one can read it and doubt. The results of this trial were by no means discouraging. So far from it, that, says Doctor Alexander, who was on board, “every person present believed that Mr.

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Rumsey had accomplished all his wishes." The first efforts of Fulton in America, more than twenty years after, were but little more successful. It was not until after repeated trials—great and extensive modifications and improvements, requiring much time and money, and testing to the utmost the liberal patronage of Livingston—that he succeeded in obtaining a velocity reasonably useful. And even the utmost rapidity with which he navigated his boats was far, infinitely far, behind that which subsequent improvement has achieved. I speak not this in disparagement of Fulton. It cannot be so understood. Great inventions, requiring complicate machinery, are never perfected and seldom made eminently useful at once. High excellence is rarely attained until the mechanical world has tendered its offerings—poured in its contributions through a long series of years. Time, labor, money, repeated modifications and experiments—the conjoint suggestions of practical and theoretical mechanics, are all prerequisite and auxiliary to the perfection of a great invention. Take, for instance, the printing press of our day, throwing off thousands of accurate impressions in an hour. From its wondrous celerity in multiplying copies, and through the agency of steam on the land and the water, scattering them far and near, it may almost be compared, in its capacity for the diffusion of intellectual light, to the sun in the heavens, in his capacity for shedding physical warmth and radiance upon the world. And yet the press of our day—all admirable as it is—is but the rude wooden type and clumsy apparatus of the great German inventor, in a beautiful, improved, and perfected form.

But to return from this digression, in which, as I promised brevity, I ought not to have indulged. After his experiment—successful experiment—upon the Potomac, in 1786, to which I have adverted, Rumsey, being under the strong conviction that skilful workmen and perfect machinery were alone wanting to the most complete success, and sensible that such could not then be procured in America, resolved to go to England. With slender means of his own, and aided—no, not aided—but mocked and deluded by some timid and unsteady patronage, he there resumed with untiring energy his great undertaking. He proceeded to procure patents from the British Government for steam navigation, and various inventions embracing improved steam engines and boilers; those of Watt, and all preceding ones, being extremely inartificial and imperfect. These patents bear date in the beginning of 1788. Many of his inventions, in one modified form or another, are now in general use. As, for instance, the cylindrical boiler, so superior to the old tub or still-boilers, in the presentation of fire surface, and capacity for holding highly rarified steam, is described, both single and combined, in his specifications,

and is identical in principle with the tub-boiler, which he used in his Potomac experiment.

Difficulties and embarrassments of a pecuniary nature, and others, such as invariably obstruct the progress of a new invention, attended him in England. He was often compelled to abandon, temporarily, his main object, and turn his attention to something else, in order to raise means to resume it. He undertook, with the same power, but by its more judicious application, to produce higher results in several waterworks, in all which he succeeded, realizing thereby some reputation, and some funds to apply to his favorite project.

At another time, as mentioned by the committee in their report, in order to avoid a "London jail," and the delay, if not defeat, of all his high hopes, he was compelled to transfer, at what he considered a ruinous sacrifice, a large interest in his invention—a contract which entangled and embarrassed him during the remainder of his short life. Still, however, he struggled on, undismayed; and had constructed a boat of about one hundred tons burden, and pushed forward his machinery so near to the point of completion as to be able to indicate a day not very distant for a public exhibition, when his sudden death ensued from apoplexy, while discussing the principles of one of his inventions before a philosophical society of London. A very interesting account of the manner of his death is given in the letter of R. C. Wakefield, amongst the papers before the select committee. With his life, the whole project ceased; there was no one present to administer; there was no one interested in his undertaking possessed of skill and ability to carry it out. Most men looked upon it as wild and visionary. Few would have been willing to incur the ridicule of attempting to complete it. All that he left—his very boat and machinery—barely sufficed to satisfy anxious and greedy creditors.

With the sudden death of Fiesco, of Genoa, that most extraordinary revolution which, in a single night, with admirable ability, he had nearly effected, ceased, rolled back, became abortive. So did the sudden death of this humbler, but more useful man, arrest all further prosecution, at that time, of the great object to which he had so intently devoted himself, and which, in some of the modes which he contemplated, he must, had time been allowed, have completed. He was not permitted to live to witness the realization of the highest design which he had conceived, and the consummation of which he never doubted, to use his own bold language, "the navigation of our great rivers, the lakes, the gulf stream, and the ocean itself, by the agency of steam."

Mr. Speaker, it is evident from the information before the committee who reported this resolution, that Rumsey, from the introductory letters which he carried, from the high order

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of mechanical genius which he displayed, and the daring and original project which he was attempting, attracted some attention in London, and secured to himself the acquaintance and friendship of many respectable men. It is fair to presume that other intelligent Americans, then resident in London, would have formed some acquaintance both with him and the novel design he was prosecuting. It is known that Fulton was for many years, during and after this period, living in Europe, and spending much of his time in London; and in the absence of all other proof, it could scarcely be believed that he, with a talent for these things, with a mind directed to such objects, would have failed in becoming acquainted with, and interesting himself in the operations of his countryman, who was occupying a position of painful prominence; so much so that, as he states in a letter to his brother, his project was the frequent subject of newspaper remark, and even of "play-house wit." But all doubt is removed by the letter of Rumsey to his friend Mr. West, in America, in which he speaks of Fulton as if they were on terms of intimacy. Does not the conclusion almost irresistibly follow, that, from this association with Rumsey, and acquaintance with his plans, Fulton was advanced in knowledge, was led to reflect, and ultimately to act on this subject? And whether his application of steam power was identical or dissimilar—original or derived—wholly new, or modifications and improvements on some of Rumsey's plans—still it appears to me that it would be cruel injustice to the memory of this persevering, ardent, talented, but unfortunate man—unfortunate in being cut off in the prime of life, and in the midst of his career—to say that the world was under no obligation to him for an invention so incalculably, so supremely important.

If further evidence was wanting to prove that this acquaintance with Rumsey was not inoperative in turning Fulton's attention to the steamboat, it will be found in the fact that he was engaged in it in 1793, very shortly after the death of Rumsey. This is apparent from his correspondence with Lord Stanhope, who himself made some experiments in 1785. Fulton went to Europe for the purpose of introducing his torpedo for the explosion of ships; but, after the death of Rumsey, the steamboat seems to have engaged his chief attention, until his final success in 1807. It is known, and so stated by his biographer, that, before his return to America, he was for many years actively employed in studying the subject, in constructing a variety of models, and making a series of experiments on a small scale. And when it is recollected that fifteen years thus elapsed before he obtained a motion much exceeding five miles an hour, it is matter of admiration that Rumsey, without any reflected lights, should in the short period allowed him have effected so much.

Mr. Speaker, I have understood—I know not with what truth, but I believe the fact is embodied in "Colden's Life"—that when Fulton made his first essay before the city of New York, a vast multitude assembled—most of them doubters, disbelievers, sneerers. After a few revolutions of the engine, some accident occurred from imperfect machinery, leading to a temporary suspension of the experiment. A sibilant voice arose from the crowd, "*We said so. We knew it would not do.*" Scorn and derision were poured forth upon the man who, improving on the labors of his predecessor, Rumsey, was doing more for the benefit of his species than has ever been effected by all the mighty armies and victorious chiefs, "from Macedonia's madman to the Swede." Now, suppose that Fulton, before remedying the defect, had suddenly died—in a land of strangers, too—leaving no one with legal authority to act for him—leaving no one interested in his design, of skill and talent to consummate it—poor—embarrassed—in debt—with executions levied on his very boat and engine, and merely suspended as a matter of special grace, until this trial should be made: suppose, from these or the like causes, the completion of the steamboat had been postponed for another twenty years; at the end of which time some other ingenious man who had witnessed Fulton's efforts—who was intimate with his plans—who had been deeply impressed by his powerful and lucid arguments, and warmed and excited to take an interest in the subject, by his bold and sanguine spirit—had, after long private preparation, openly resumed the project; and, under more favorable auspices—from a more advanced state of the mechanic arts, or the benign influence of a more liberal patronage—had succeeded, triumphantly succeeded, in establishing the utility of the steamboat, either on some of Fulton's plans, or by modifications and improvements of his own; now, I ask the friends of Fulton whether, in this state of the case—and more especially if his had been the original effort—his memory should have gone down into oblivion, unknown and unhonored by his country? As success alone, naked success, is the criterion by which the world forms its estimate of merit, I know this other individual would, generally, have monopolized the honor; but the inquiring, the reflecting, and the just, would not have passed unregarded the name of Fulton.

Mr. Speaker, I would not, if I could, take a single ray from the just fame of Fulton. It is admitted on all hands that he improved upon, and first broadly introduced, the steamboat into general use, and for this alone he is entitled to the boundless and eternal gratitude of mankind. The world has been liberal in the conference of honor—something, too, his country has done for his descendants—something further this House proposed doing at the late session. To that measure, when it

was first up—the only occasion when I was present—I gave my cordial assent; and I would have raised my voice in its favor, had I not been sensible, that a cause sustained as it was, by the fervid eloquence and powerful arguments of the gentlemen from South Carolina, Pennsylvania, New York, and Kentucky, (Messrs. LEGARE, BIDDLE, HOFFMAN, and CHAMBERS,) needed not my feeble advocacy. But in denying him originality I do him no injustice. He never claimed it himself. His partial biographer cannot claim it for him. The very first act of the New York Legislature in his favor, in 1798, recognizes him not as the inventor, but the improver. All men who have looked into the subject know that it did not begin with him. Long before, the design had been conceived, to a good extent accomplished, its practicability proved, and was persisted in and prosecuted under the most favorable circumstances, with unwavering confidence and irrepressible resolution, until his dying hour, by James Rumsey; but for his acquaintance with whom, it is probable the powerful mind of Fulton would never have been brought to act upon the subject, and but for whom it is probable the world would yet have been without the benefits of the steamboat.

Mr. Speaker, there was but one individual who contested Rumsey's title to priority in the application of steam to navigation; and about his claims I wish to make a remark or two, in a spirit of candor and charity; for, as to the experiment ascribed to the Spaniard Garay, three hundred years ago, and mentioned by the gentleman from Ohio, (Mr. DUNCAN,) at the last session, when I was not present, I can only say, that if any such ever was made, all knowledge of it had sunk into utter oblivion. Ages—centuries had rolled round, and the most profound silence and ignorance prevailed in regard to it. It was unknown to history—unknown to tradition—and could have had no influence whatever in bringing forward the steamboat in comparatively modern times. I acknowledge that this statement appears to me to be an entire fiction; that, if there be such a record, it was not based upon fact. It can scarcely be credited by any one who will look into the history of the forigin, progress, and improvement of the steam engine, which, more than two hundred years afterwards, was used for scarcely any purpose except pumping water from mines, where but little machinery, and nothing but a simple rectilinear action, was required. If Garay was thus three centuries in advance of all the world, while his genius challenges our highest admiration, we are forced to acknowledge that he lived in vain; for, if the archives of the Spanish monarchy do present any basis for this statement, there it would have mouldered into dust, if the success of the steamboat in this new world had not given interest to every thing connected with

the subject, and caused the eye of some antiquarian to rest upon the passage, which would otherwise have been neglected as unintelligible or incredible.

I said, Mr. Speaker, there was but one person contested Rumsey's title to precedence. It is stated in the American Supplement to Rees's Encyclopedia—on the subject of Steam—that Fitch made an experiment on the Delaware in 1783. If this were true, he preceded Rumsey. But I challenge the world to produce the testimony of a respectable witness, living or dead, to corroborate this statement. None such can be produced. The assertion is utterly erroneous. Fitch himself did not claim to have thought of it (steam navigation) until 1785. In 1787 he built a boat and machinery on the Delaware, and made his first experiments in 1788. These facts are very clearly proven by various evidence before the committee. I will recapitulate but a part. The letter of General Washington to Governor Johnson, written in November, 1787, which I have before adverted to, says that Rumsey communicated to him his steamboat invention in November, 1784, and that some time afterwards Fitch called upon him, claiming for himself a similar invention, and requesting an introductory letter, "which he (Washington) declined giving, and went so far as to inform Mr. Fitch that, though he was not at liberty to disclose the principles of Mr. Rumsey's discovery, he could venture to assure him that he (Fitch) was not original, but that the idea had been communicated to him by Mr. Rumsey." Now, as Mr. Rumsey made no communication on the subject to Washington until November 1784, it is probable that this interview on the part of Fitch did not take place until the year following; and, indeed, as I will hereafter show, not until the commencement of 1786; and, in either case, it was at a time when Rumsey was exerting every nerve in preparing for that experiment which he made on the Potomac in 1786, and which I have before mentioned. At all events, it was long after the private experiments which Rumsey made in 1784, in order to test some of the principles of his invention. If the statement in the Encyclopedia, that Fitch made experiments on the Delaware near Philadelphia, in 1783, were true, can it be believed that Washington, whose comprehensive vision took in every thing likely to be of any use to his country, would, at so short a distance, have never heard of it? And if he had never heard of it, can it be credited that Fitch, whose originality was questioned and denied, would have failed in certifying him of it? And if Washington had either heard of it before, or been informed of it by Fitch at this meeting, could he, to whom Rumsey had made no disclosure on the subject till November, 1784, have said to Fitch, Sir, you are not original; Rumsey is before you. No! every one will see in that letter, not

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only a refutation of the statement in the Encyclopædia, but a refutation of Fitch's claim to precedence. On his own presentation of his case—on his own statements, declarations, and admissions, Washington refuses to give him a letter, and assures him that he has been anticipated by Rumsey. There is also a letter from Washington to Rumsey, written in March, 1786, bearing upon this point. It will be seen in the 12th volume of Sparks's *Life*. In this letter Washington urges Rumsey to bring forward his invention; warns him that his secret is leaking out, and that others will take advantage of it, and goes on to state that one individual had called on him, claiming for himself a plan of steam navigation, and requesting a letter of introduction, which he declined giving. Now, it can scarcely be doubted that the individual here alluded to was Fitch, and that his interview gave rise to this admonitory letter, and took place not long before its date.

The January number of the "New York Review," just published, contains a well-written article on "steam navigation," and I regret that the writer was not in possession of all the facts touching its early history. It therein appears that Mr. Ogden, claiming certain rights as representative of Fitch, asserted them by petition before the Legislature of New York. Among other testimony before the committee raised on this petition, was that of Gen. Bloomfield, fixing the period of Fitch's experiment to 1787 or 1788. On the authority of De Warville, the correspondent of Jefferson, and an eminent French writer of that period, I feel warranted in saying that it was the latter year.

In his work—published in 1789—which will be found in your library, he states that, being in Philadelphia in September, 1788, he attended by invitation and witnessed Fitch's experiment. In a note, written in the February following, in London, he says:

"I have just become acquainted with Mr. Rumsey, of Virginia, a gentleman of great ingenuity, who proposes building a vessel in which, without sails, and by steam alone, he will cross the Atlantic in fifteen days."

This sublime conception, this bold undertaking of Rumsey, the accomplishment of which in the last year has created so vast a sensation, was not unknown to me and others of his family, but, without the high authority of De Warville, I would not have ventured to have named it. The English article in the Encyclopædia manifests much ignorance and carelessness in its preparation; as, for instance, without the shadow of truth or evidence, it ascribes to Mr. Symington, the honor of introducing the steamboat into America, and at the same time states, that Symington's first experiments were on the Forth and Clyde, in 1801. Lord Stanhope, Symington, the Abbe Arnel of France, Fulton, and others, seem to have been urged to reflection and action on this subject, in consequence of Rumsey's

operations in London. The American supplemental article in the Encyclopædia is also, in many respects, unfair, disingenuous, and untrue. The compiler, who is the partial eulogist of Fulton, aware that he cannot ascribe to his favorite the glory of originality, endeavors to mystify and becloud, rather than to illustrate, the true history of the invention of the steamboat. He gives to Fitch, whose claims were untenable, precedence of Rumsey; and I think I have shown that he succeeded him, although I have dwelt on but a part of the evidence: that evidence, taken together, most clearly proves that Fitch was but a borrower. The compiler goes further, and, as if to do away with all claim which Rumsey, or even Fitch, might have upon the good opinion of their countrymen, says that the idea of steam navigation had been entertained at a still earlier period by Hulls of England, and that therefore he is better entitled to the honor of originality, than Rumsey, although he admits that he made no attempt to reduce it to practice, and Rumsey, under the most adverse circumstances, actually succeeded in running a boat against the current of a river four or five miles an hour. The compiler further alleges that Rumsey, with unlimited patronage, and after full trial, abandoned the project as hopeless. Indisputable testimony shows that the assertion is as unfounded and false as it is illiberal and cruel. I judge that it is from his work that the Secretary of the Treasury deduces, what he call his "miscellaneous facts" in the report upon the steam engine laid upon our tables a few days ago. And from the misquotation of names and confusion of dates—caused, no doubt, by hasty reference—he has not improved the accuracy of the original article.

From the ignorance and carelessness, wilful or otherwise, displayed in this treatise in the Encyclopædia, I have no confidence in the statement that Hulls of England, obtained a patent for steam navigation, one hundred years ago. I am led to this conclusion by various reflections. The steam engine at that early day, and, indeed, down to the time of Watt in the latter part of the eighteenth century, was very inefficient, and very little used even for the simplest purposes. It is not stated, so far as my examination has gone, what agent Hulls contemplated using, whether steam or animal power. And further, Rumsey obtained a patent from the British Government, for the same object (steam navigation) long afterwards, (in 1788,) which was then considered by all the intelligent and scientific men of London as new and original.

But even if the idea of steam navigation had been entertained in Europe at this anterior period, Rumsey was not the less original. There was no knowledge in America that such a design had ever been presented in Europe. Rumsey, imperfectly educated as he was, with a slight acquaintance with books, relying, as he did, on his own resources, on his own inven-

tive genius, had never heard of it, and even if he had heard that such a suggestion had been made, it can operate nothing in diminution of his merit. I, sir, can declare that I have invented a plan for aerial navigation—that I have devised a machine by which I will soar aloft above the dull atmosphere encompassing the earth, where clouds and storms prevail, into the pure regions of ether, where, manufacturing an air suitable to the sustentation of life, I will traverse thousands of miles an hour. But if I stop here—if I exhibit no plan—if I devise no machinery, if I, in no way, prove its feasibility—surely I am entitled to no credit for this suggestion of a wandering fancy, common, no doubt, to thousands. If you afterwards, whether you have heard my suggestion or not, devise a plan, construct machinery, and actually succeed in navigating the air, the honor of originality is exclusively your own. I cannot participate—it would be preposterous for me to arrogate any portion of the credit. If, from the infant state of the mechanic arts, or your poverty, or your early death, you left it incomplete, although you had done enough to prove its practicability, and to attract to it the attention of ingenious and scientific men, and another afterwards, improving upon your plan, brought it into successful and general operation, would it not be unfair that your claims, although you had found the diamond, although you had put the ball in motion, should be entirely superseded and disregarded? Should not the world, in the rendition of a just judgment, place you at least on terms of equality?

Mr. Speaker, I will not detain the House longer; I have already occupied too much time. I will only add, that while many of the representatives of James Rumsey are poor, very poor—for, in consequence of his early death, they never derived any benefits from the numerous inventions of their ancestor, except such as have been enjoyed by the whole country—there is yet *one* of them whose claims address themselves to the best sympathies of our nature. The one to whom I allude is the only son, the only living child, of James Rumsey. While his father was in England devoting himself with fatal intensity to the completion of the steamboat, that son, by a malignant disease—scarlet fever—was, in early infancy, deprived of the faculties of speech and hearing. Talented, ingenious, ready and dexterous at various mechanical employments, he is now earning a scanty subsistence by daily labor; but, with the improvidence common to persons in his condition, making no preparation for approaching old age. To the support and comfort of the evening of his life, I have thought his country might contribute something, without violating any principles of wise policy.

Mr. Speaker, I have stood upon the bank of the beautiful river which washes the broad border of my own beloved State, and contem-

plated the majestic steam palace in her proud career, exchanging with rapidity and cheapness the productions of different climes, conveying with comfort and expedition the travelling public, giving new life and energy to commerce, to agriculture, to national industry and enterprise: I say, Mr. Speaker, I have stood in musing mood upon the shore of the fair Ohio, and viewed the noble steamer moving victorious against wind and current,

“Walking the waters like a thing of life”—

and then reflected that the only son of the man who first seriously attracted the attention of the skilful and ingenious to the subject—the only son of the man who first yoked the power of steam to the car of commerce—the only son of the man who first, by actual trial, proved its practicability—the only son of the man who, in his arduous struggles to perfect and present to the world the steamboat, expended his little fortune, banished himself from his home and his country, and, in spite of all obstacles, was pushing onwards to success, when arrested by sudden death. When I have reflected that the only son of this man was toiling for his daily bread, smitten by his God, and neglected by his country—when I have contemplated that and this spectacle, the steamboat and this unfortunate son of its inventor, feelings, emotions, reflections, have crowded upon me of a character which, as a patriot, a philanthropist, and a Christian, I acknowledge it was improper and sinful to entertain. To the support of that stricken one I have thought his country, abounding in resources, with more hundreds of millions of public domain than she can squander in ages, might contribute something more substantial than a medal, without any extraordinary stretch of liberality. But it is not for me to solicit it, even for him. I shall be gratified, deeply gratified, if the Government of his country shall honor the memory of his father for all his sacrifices and all his services by the adoption of this resolution.

Mr. Speaker, I could have wished that the task which I have endeavored to discharge had been undertaken by another. But while I knew that on every subject of a political or party nature there would be, on this arena, a host of intellectual champions armed cap-a-pie, panting for the conflict, and struggling for the floor, I apprehend that, in a cause of this kind, which is rather of private concernment, there would be but little interest felt, and but few, if any, prepared to couch a friendly or defensive lance. Hence I have been constrained to trespass on the House.

Mr. Speaker, I have said that I have no pecuniary interest in this matter; yet, occupying the peculiar position which I do, if any vote should be taken, I will, of course, be excused from participating in it.

The resolution passed the House by a unanimous vote.

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Tariff Compromise Act of 1833.

[FEBRUARY, 1839.]

IN SENATE.

MONDAY, February 11.

Tariff Compromise Act of 1833—Historical Incidents—Its Origin—Its Design to prevent the Impending Prostration of the Protective System.

Mr. BENTON observed that some days ago, in the discussion of a bill then before the Senate, he had occasion to take some notice of the compromise act; and he then made a statement of what had passed in relation to it between himself and a gentleman who was then a Senator from the State of New Jersey, and head of the Committee on Manufactures. Since making that statement, he had had reason to address a letter to the gentleman whose name he mentioned, (Governor DICKERSON,) on the subject, and he had received an answer which he would read to the Senate, and then let that answer stand as his statement. Mr. B. here read the following:

SUCKASUNNY, (N. J.), Feb. 5, 1839.

DEAR SIR: Last evening I received yours of the 30th ultimo, which, no doubt, had been detained on the road a day or two, in consequence of the heavy rain by which our country has been lately deluged.

Your letter contains an extract from the National Intelligencer, in which it is denied that Mr. WEBSTER had said to me that he had not been consulted as to the compromise bill, &c., and you ask for my recollections as to this fact. I hasten to relate to you the facts in this case, so far as I can now recollect them. On the day before Mr. CLAY introduced this bill into the Senate, he mentioned to me that he had given notice that he should ask leave to introduce the bill on the next day, some of the leading features of which he stated to me. I had not heard the notice given. He said he had intended to show me the bill, but had been prevented by a multiplicity of business in which he had been engaged, but that I should see it in the morning.

Next morning I waited upon Mr. WEBSTER, and asked him if he was aware that such a bill was to be introduced. He assured me that he was not, and that he had not been consulted upon it, and expressed himself strongly of the disapprobation with which such a measure would be received in New England.

In the morning I arrived at my seat some minutes after the business of the day had commenced, and I found that Mr. CLAY had made his motion for leave to introduce his bill. Had I arrived before the business of the day had commenced, no doubt I should have had the opportunity of perusing the bill before it was presented. As it was, I never saw it until it was in print.

Mr. WEBSTER, as well as myself, opposed this bill, and both voted against it. If you read the debates that took place in the Senate on the subject, on the 21st, 22d, and 23d February, '33, I think you will be convinced that neither Mr. WEBSTER nor myself could have had any previous notice of this bill. I have not the file of papers by me, but you may easily find them at Washington. I will, however, refer you to Mr. WEBSTER's speech upon this bill, reported in Niles's Register, 4th series, vol. 8, page 7, in which you will find abundant proof that he could not have been consulted as to its object or details.

Among other expressions are these: "There was no expectation at the commencement of this short session that such a bill would be passed. The Senate had not had time to know the pleasure of their masters. No opportunity had been offered for obtaining a knowledge of either the course of public opinion, or the effect of this measure on the public interests." If Mr. WEBSTER had been consulted on this bill, would he have made such declarations? or if made, would they have passed unanswered?

Mr. CLAY had previously stated to me his fears, that Mr. VERPLANCE's bill, which he considered as an administration measure, or some other bill originally from the same source, would pass, greatly to the injury, if not destruction, of the manufacturing interest of the country, and suggested the propriety of making further concessions, in addition to those of the law of '32, as the only means of saving even a part of the protective system, but without stating what those concessions should be. I answered him, that I did not fear Mr. VERPLANCE's bill; that it could never pass; that it was already so altered and amended that I did not believe Mr. VERPLANCE would vote for it himself; and that, at all events, we should suffer the law of 1832 to go into complete operation before we should make any alterations in its provisions.

There was no obligation on the part of Mr. CLAY to consult me on this bill; what he said to me I considered as a mere act of courtesy. The bill originated with himself, without any participation of the Committee on Manufactures, of which both he and I were members. The fact, however, that I was associated with him on that committee, led to a belief that I must have been acquainted with the provisions of the bill before it was matured, and subjected me to some unpleasant inquiries, as to this fact, in one of which, no doubt, I stated to you the conversation I had had with Mr. WEBSTER.

I regret extremely being called on to state conversations long past, with gentlemen whose recollections now, or understanding at the time, may not be precisely the same as my own; more especially as there was much misapprehension in the public papers as to the debates upon this bill.

I am, with great respect,

Your obedient servant,

MAHLON DICKERSON.

Hon. THOMAS H. BENTON,
Washington, D. C.

Mr. B. said he had felt himself called on to write to Governor DICKERSON, to know whether he had made any mistake in the statement he gave as to what had passed between them. He now presented Governor DICKERSON's own words, by which it would be seen that the statement he had made was substantially correct.

Mr. WEBSTER observed that it was, of course, very well known that he differed with the Senator from Kentucky as to the propriety of passing the compromise act. He never complained, however, of any want of courtesy or kindness in the Senator for not consulting him on the subject. The truth was, that the Senator from Kentucky did communicate to him, some weeks before, that he had it in contemplation to bring forward an important measure, without saying what that measure was. He certainly did be-

come acquainted with the measure before the Senator introduced it; but he could not say that he knew of it before the notice was given in the Senate. He was inclined to think that the conversation of which Governor DICKERSON speaks, was about the time of the notice given of the intention of the Senator from Kentucky to introduce the bill. All he had at present to say was, that, differing as he did with the Senator from Kentucky with regard to the measure spoken of, he made no complaint as to his not being consulted.

Mr. CLAY said he did not know that it was a matter of the slightest consequence to the Senate or the public, to be informed of the preliminary steps which led to the adoption of a great public measure; it was sufficient to say that it was submitted by himself, on his own responsibility; and, after a full discussion in the committee, in the Senate, and in the House of Representatives, was adopted by decisive majorities, and responded to by the nation with an enthusiasm almost unexampled. He was not responsible to any whether consultations were or were not held on the subject before its introduction to the Senate; it was sufficient for him to say that it was introduced, and passed in the manner he had mentioned.

Mr. C. said he came to this city from Ashland, in December, 1832. At that time there was an impression generally prevalent that the protective system was about to receive a fatal shock, and would be prostrated. Immediately after his arrival, he proceeded to Philadelphia, in company with a friend from Louisiana, since deceased. While there, the project of a compromise of this great and important question presented itself to his mind, and was the subject of reflection and consultation with that friend. The Senator from Massachusetts (Mr. WEBSTER) passed through Philadelphia about that time, and the plan was communicated to him: it was true that the Senator expressed his disapprobation of it. A committee of very intelligent gentlemen interested in manufactures waited on him (Mr. C.) to know what could be done to save them from the danger that was threatening them. To this committee he communicated his plan of settling this question, at least for a term of years, and it met their hearty concurrence and approval.

Upon his return to this city, he consulted the Senator from Massachusetts, (Mr. DAVIS,) upon the subject, and he at first expressed his approbation of it, but after further consultation and reflection upon it, his views were changed, and he voted against it. He thought it was prior to his introduction of the bill into the Senate, that he called a meeting of his political friends at his lodgings; there were some eight or ten present, and his impression was that the Senator from Massachusetts was there: certain he was that he was invited. The bill was read at this meeting, and its provisions discussed; and the fact that he (Mr. C.) had such a measure in contemplation was notorious in both Houses of

Congress, and one or two motions were made by persons who had some glimpses of the plan to anticipate its introduction. He regarded these particulars respecting the preliminaries to the introduction of the compromise act, except as matters of history, unimportant; the great and beneficial results that had followed its adoption, was a sufficient excuse for its introduction.

With regard to the Senator from New Jersey, (Mr. DICKERSON,) whose letter had been read, he was upon such terms with him as to forbid a confidential intercourse between them. He knew that he was a warm friend of the manufacturing interest, but he was also a friend of the Administration; and he stood as many others, who considered their devotion to the Administration paramount to their devotion to the highest interests of their country. It seems that from his letter, he did mention the matter to him, and it might be so, but he had no recollection of having done so.

Mr. BENTON rose to say that he had no connection with this conversational debate, except in the single point of the accuracy of his statement of what had passed between Governor DICKERSON and himself. He had read the letter for the single purpose of showing that he had committed no error in reporting the conversation of that gentleman. His object was accomplished by the reading of the letter itself; and he believed it was apparent that there was no mistake either in himself or in Governor DICKERSON; and that the statement of the latter was very consistent with the remarks which the reading of the letter had called forth.

Mr. DAVIS well remembered the transactions of the period referred to, for he felt a very strong interest in what was going on. He was ready and willing to do the Senator from Kentucky all the justice he was entitled to, and could corroborate his statement except as to that part in which the Senator stated that he (Mr. D.) was at one time favorably disposed towards the compromise act, which was not so, as he had been opposed to it from first to last.

Mr. WEBSTER said that the Senator from Kentucky (Mr. CLAY) seemed to suppose that he (Mr. W.) was present at a consultation prior to the introduction of the bill in the Senate, or that he was invited to attend. The latter was very probable, but he had no recollection whatever of being present at any such consultation.

Mr. KNIGHT made a few observations, too inaudible to be understood, which terminated the discussion on the subject.

SATURDAY, February 16.

Inland Trade between New Mexico and Missouri
—Custom-house on Missouri Frontier.

Mr. LINN presented the memorial of the General Assembly of the State of Missouri, requesting Congress to pass a law altering the present mode of issuing titles to land; which was referred to the Committee on Public Lands.

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Petition of the Florentine Lady, America Vespucci.

[FEBRUARY, 1839.]

Also, a memorial from the same, praying the establishment of a port of entry and custom-house at some point on the Missouri River, and allowing those who trade with Mexico by land the privilege of drawback and debenture. Mr. LINN went into a number of interesting details, showing the importance and former extent of the trade between this country and the Mexican provinces, and with the Indians of the Oregon Territory, and its comparative insignificance at present. The Hudson Bay Company, from their great facilities and advantages, were monopolizing the whole Indian and Mexican trade, as they imported their goods free of duty; and they would soon obtain a dangerous ascendancy over the minds of the Indians. He said that if there was not prompt action on the part of Congress on this subject, not only the trade with the Mexican provinces would cease, but that the territory inhabited by these Indians would be wrested from us. Mr. L. said he had, some days since, introduced a bill for the occupation of the Oregon Territory, with a view to doing something on this subject, which he hoped the Senate would consider and act upon at an early day.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 19.

Reorganization of the Navy.

The House resolved itself into Committee of the Whole on the state of the Union, Mr. BANKS in the chair, and resumed the consideration of the civil and diplomatic appropriation bill. The question immediately before the committee, was the motion of Mr. CARY to strike out from the bill the appropriation to the navy board.

Mr. KENNEDY, who was entitled to the floor, said he was pleased that the House had, since he obtained it, shaped for itself another course, by adopting the resolution calling for a report of a plan from the Secretary of the Navy at the next session for reorganizing this board, and, therefore, rendered it unnecessary for him to say much as to the particular motion before the House. He thought the course adopted was the most appropriate one. Mr. K. then went on to review the policy of the past and present Administrations, and denounced it in unmeasured terms.

Mr. HOWARD then obtained the floor, and said, as a friend of the navy, he returned his sincere thanks to the gentleman from Michigan for the interest he evinced in hurrying forward the proposition; and, instead of being rebuked on account of the section of country from which it came, as he had been done by some gentlemen, he merited their thanks.

He then went on to reply, at length, to his colleague, (Mr. KENNEDY,) in vindication of the Administration. He referred to the essential services which that gentleman had rendered in breaking down the administration of John Q.

Adams, which he had just eulogized, and the great talent he had evinced, and had devoted, to bringing into existence the administrations of General Jackson and Martin Van Buren, which he had just denounced in such unmeasured terms. He looked upon the violent struggle of the Opposition for the Presidency, as the prolific source from which sprung all the evils of the present day which his colleague (Mr. K.) complained of. He then referred to the tariff question, which, he feared, instead of being settled with a single eye to the interest of the country, would be pressed into requisition to subserve party ends, and instanced the periodical attempts to agitate that question just preceding the past Presidential elections. He referred to the question of limitation to the term of service of the Presidency, which had been spoken of by the gentleman from Kentucky, (Mr. UNDERWOOD,) and intimated that he would be in favor of a limitation to one term of six years. He then examined the charge of proscription which had been so frequently rung in the ears of the party, and referred to the large number of the Opposition in office in the State he in part represented, and elsewhere, and reviewed the course pursued by the Opposition where they had the power.

Mr. KENNEDY briefly rejoined.

Mr. BRONSON said that, at the suggestion of many gentlemen who were friendly to the amendment itself, but who did not consider this as the proper time to press it, and especially since the passage of the resolution of this morning rendered further action at this time unnecessary, he would *withdraw* the amendment he had offered; and he withdrew it accordingly.

IN SENATE.

SATURDAY, February 23.

The Vice President leaves the Chair for the Session.

The VICE PRESIDENT said, that according to usage, he did not intend to resume his seat in the Senate this session. He had a great deal of correspondence, and some business at the public offices to attend to, which the Senate knew that he could not do while performing his duties in the chair, and therefore his absence from the Senate became indispensably necessary. He would take this occasion to express his obligations to the members of the Senate, for the kindness and courtesy with which he had been treated during the years he had presided over their deliberations, and he concluded by wishing them all a safe and happy return to their families and their homes.

The Senate then adjourned.

TUESDAY, February 26.

Petition of the Florentine Lady, America Vespucci.

Mr. WALKER, from the Committee on the

Public Lands, to which was referred the memorial of America Vespucci, made the following report thereon:

The Committee on the Public Lands, to which was referred so much of the petition of America Vespucci as relates to a grant of land, beg leave to report:

That, conceiving it to be their duty to verify the facts upon which the application was founded, they have examined a voluminous mass of documentary evidence, and find the statements of the memorial to be fully sustained. They have seen the authentic certificates of baptism, through many generations, of the Vespucci family in Florence, which attest the lineage and descent of the memorialist. They have read the highly favorable and complimentary letter of the Queen of the French, through her secretary, to the petitioner. They have read the letter to her of the King of the French, through the Minister of the Interior, subscribing for a work for the King, of which she was the author; and have also read the permission of the French Minister of the Marine for her to sail in a French national vessel. The committee have also had before them her credentials from the Minister of Tuscany, in France, and many other papers of high character and authenticity in her favor. They have also witnessed her own personal deportment here, and the manner in which she has been received by the French legation, which, added to other testimonials, leave not a doubt of the identity of the memorialist, and the truth of her representations.

After the lapse, then, of more than three centuries, a descendant of the celebrated Americus Vesputius is amongst us. This heroic navigator, before, and also after the close of the fifteenth century, landed upon the shores of the new world, among the most early and scientific of those who succeeded the great and pre-eminent Columbus in the discovery of this continent. A descriptive narrative of his several voyages was written and published by Americus, and Europe baptized with his name this mighty continent. This name can never now be abandoned. It is the name of our beloved country. It is associated with all the glories of the past, and the still brighter hopes of the future. It is written upon our national constitution, and engraven upon the heart of every true American. Under this name we have succeeded in two struggles with the most formidable power in Europe, and have so wonderfully augmented in population that, should the same ratio of increase continue for the future, the close of this century will find within our limits more than one hundred millions of people, and more than five millions within the single city of New York. In reflecting, then, with glory upon the name of America, can we forget the great navigator from whom we derived this proudest of earthly titles? A descendant of Americus is now here; a young, interesting, dignified, and accomplished lady, with a mind of the highest intellectual culture, and a heart beating with all our own enthusiasm in the cause of American and of human liberty. She feels that the name she bears is a prouder title than any that earthly monarchs can bestow, and she comes here asking of us a small corner of American soil where she may pass the remainder of her days in this the land of her adoption. She comes here as an exile, separated forever from her family and friends, a stranger, without a country and without a home, expelled from her native Italy for

the avowal and maintenance of opinions favorable to free institutions, and an ardent desire for the establishment of her country's freedom. That she is indeed worthy of the name of America; that her heart is indeed imbued with American principles and a fervent love of human liberty, is proved, in her case, by toils, and perils, and sacrifices, worthy of the proudest days of antiquity, when the Roman and the Spartan matron were ever ready to surrender life itself in their country's service.

The petitioner desires the donation to her of a small tract of land by Congress. With every feeling of respect and kindness for the memorialist, a majority of the committee deem it impossible for this Government to make the grant. They think such a grant without a precedent, and that it would violate the spirit of those compacts by which the public domain was ceded to this Government. It is the unanimous and anxious desire of the committee that the petitioner should receive all the benefits and recognition that this Government can bestow. What this Government cannot do is within the power of the American people. They feel at least an equal pride and glory with us in the name of America. Throughout our wide-extended country, among all classes, this feeling is universal; and in the humblest cottage the poorest American feels that this name, the name of his beloved country, is a prouder title than any that adorns the monarch's brow, and that if he has no other property, this name, with all its great and glorious associations, with the past and hopes for the future, is an all-sufficient heritage to transmit to his children. This generous, patriotic, and enlightened people will take into their own hands the case of America Vespucci. They will procure for her that home which she desires among us. They will do all that Congress is forbidden to do, and infinitely more than she asks or desires, and demonstrate to the world that the name of America, our country's name, is dear to us all, and shall be honored, respected, and cherished in the person of the interesting exile from whose ancestor we derive the great and glorious title.

The report was ordered to be printed.

Lawless Trespassers and Depredators, from the British Provinces, on the State of Maine.

THE PRESIDENT submitted the following Message from the President of the United States:

I lay before Congress several despatches from his Excellency the Governor of Maine, with enclosures, communicating certain proceedings of the Legislature of that State, and a copy of the reply of the Secretary of State, made by my direction, together with a note from H. S. Fox, Esq., Envoy Extraordinary and Minister Plenipotentiary of Great Britain, with the answer of the Secretary of State to the same.

It will appear from those documents, that a numerous band of lawless and desperate men, chiefly from the adjoining British Provinces, but without the authority or sanction of the Provincial Government, had trespassed upon that portion of the territory in dispute between the United States and Great Britain which is watered by the River Aroostook, and claimed to belong to the State of Maine; and that they had committed extensive depredations there by cutting and destroying a very large quantity of timber. It will further appear that the Governor of Maine, having been officially apprised of the circumstance, had communicated it to the Legislature, with

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Lawless Trespassers, from the British Provinces, on the State of Maine. [FEBRUARY, 1839.]

a recommendation of such provisions, in addition to those already existing by law, as would enable him to arrest the course of said depredations, disperse the trespassers, and secure the timber which they were about carrying away; that in compliance with a resolve of the Legislature, passed in pursuance of his recommendation, his Excellency had despatched the land agent of the State, with a force deemed adequate to that purpose, to the scene of the alleged depredations, who, after accomplishing a part of his duty, was seized by a band of the trespassers, at a house claimed to be within the jurisdiction of Maine, whither he had repaired for the purpose of meeting and consulting with the land agent of the Province of New Brunswick, and conveyed as a prisoner to Fredericton, in that Province, together with two other citizens of the State, who were assisting him in the discharge of his duty.

It will also appear that the Governor and Legislature of Maine, satisfied that the trespassers had acted in defiance of the laws of both countries, learning that they were in possession of arms, and anticipating (correctly, as the result has proved) that persons of their reckless and desperate character would set at naught the authority of the magistrates, without the aid of a strong force, had authorized the sheriff, and the officer appointed in the place of the land agent, to employ, at the expense of the State, an armed posse, who had proceeded to the scene of these depredations, with a view to the entire dispersion or arrest of the trespassers, and the protection of the public property.

In the correspondence between the Governor of Maine and Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, which has grown out of these occurrences, and is likewise herewith communicated, the former is requested to recall the armed party advanced into the disputed territory for the arrest of trespassers, and is informed that a strong body of British troops is to be held in readiness to support and protect the authority and subjects of Great Britain in said territory. In answer to that request, the Provincial Governor is informed of the determination of the State of Maine to support the land agent and his party, in the performance of their duty, and the same determination, for the execution of which provision is made by a resolution of the State Legislature, is communicated by the Governor to the General Government.

The Lieutenant Governor of New Brunswick, in calling upon the Governor of Maine for the recall of the land agent and his party from the disputed territory, and the British Minister in making a similar demand upon the Government of the United States, proceed upon the assumption that an agreement exists between the two nations conceding to Great Britain, until the final settlement of the boundary question, exclusive possession of, and jurisdiction over, the territory in dispute. The important bearing which such an agreement, if it existed, would have upon the condition and interests of the parties, and the influence it might have upon the adjustment of the dispute, are too obvious to allow the error upon which this assumption seems to rest to pass for a moment without correction. The answer of the Secretary of State to Mr. Fox's note, will show the ground taken by the Government of the United States upon this point. It is believed that all the correspondence which has passed between the two Governments upon this subject has already been communicated to Congress, and is now on their files.

An abstract of it, however, hastily prepared, accompanies this communication. It is possible that in thus abridging a voluminous correspondence, commencing in 1825, and continuing to a very recent period, a portion may have been accidentally overlooked; but it is believed that nothing has taken place which would materially change the aspect of the question as therein presented. Instead of sustaining the assumption of the British functionaries, that correspondence disproves the existence of any such agreement. It shows that the two Governments have differed not only in regard to the main question of title to the territory in dispute, but with reference also to the right of jurisdiction, and the fact of the actual exercise of it in different portions thereof. Always aiming at an amicable adjustment of the dispute, both parties have entertained and repeatedly urged upon each other a desire, that each should exercise its rights, whatever it considered them to be, in such a manner as to avoid collision, and allay, to the greatest practicable extent, the excitement likely to grow out of the controversy. It was in pursuance of such an understanding that Maine and Massachusetts, upon the remonstrance of Great Britain, desisted from making sales of lands, and the General Government from the construction of a projected military road in a portion of the territory of which they claimed to have enjoyed the exclusive possession; and that Great Britain, on her part, in deference to a similar remonstrance from the United States, suspended the issue of licenses to cut timber in the territory in controversy, and also the survey and location of a railroad through a section of country over which she also claimed to have exercised exclusive jurisdiction.

The State of Maine had a right to arrest the depredations complained of; it belonged to her to judge of the exigency of the occasion calling for her interference; and it is presumed that had the Lieutenant Governor of New Brunswick been correctly advised of the nature of the proceedings of the State of Maine, he would not have regarded the transaction as requiring, on his part, any resort to force. Each party claiming a right to the territory, and hence to the exclusive jurisdiction over it, it is manifest that, to prevent the destruction of the timber by trespassers, acting against the authority of both, and at the same time avoid forcible collision between the contiguous Governments during the pendency of negotiations concerning the title, resort must be had to the mutual exercise of jurisdiction in such extreme cases, or to an amicable and temporary arrangement as to the limits within which it should be exercised by each party. The understanding supposed to exist between the United States and Great Britain has been found heretofore sufficient for that purpose, and I believe will prove so hereafter, if the parties on the frontier, directly interested in the question, are respectively governed by a just spirit of conciliation and forbearance. If it shall be found, as there is now reason to apprehend, that there is, in the modes of construing that understanding by the two Governments, a difference not to be reconciled, I shall not hesitate to propose to her Britannic Majesty's Government a distinct arrangement for the temporary and mutual exercise of jurisdiction, by means of which similar difficulties may in future be prevented.

But between an effort on the part of Maine to preserve the property in dispute from destruction by intruders, and a military occupation by that State of

the territory, with a view to hold it by force, while the settlement is a subject of negotiation between the two Governments, there is an essential difference, as well in respect to the position of the State, as to the duties of the General Government. In a letter addressed by the Secretary of State to the Governor of Maine, on the first of March last, giving a detailed statement of the steps which had been taken by the Federal Government to bring the controversy to a termination, and designed to apprise the Governor of that State of the views of the Federal Executive, in respect to the future, it was stated, that while the obligations of the Federal Government to do all in its power to effect the settlement of the boundary question were fully recognized, it had, in the event of being unable to do so specifically, by mutual consent, no other means to accomplish that object amicably, than by another arbitration, or by a commission with an umpire in the nature of an arbitration; and that in the event of all other measures failing, the President would feel it his duty to submit another proposition to the Government of Great Britain, to refer the decision of the question to a third power. These are still my views upon the subject, and until this step shall have been taken, I cannot think it proper to invoke the attention of Congress to other than amicable means for the settlement of the controversy, or to cause the military power of the Federal Government to be brought in aid of the State of Maine, in any attempt to effect that object by a resort to force.

On the other hand, if the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them, by means of a military occupation on their part of the disputed territory, I shall feel myself bound to consider the contingency provided by the constitution as having occurred, on the happening of which a State has the right to call for the aid of the Federal Government to repel invasion.

I have expressed to the British Minister near this Government a confident expectation that the agents of the State of Maine, who have been arrested under an obvious misapprehension of the object of their mission, will be promptly released; and to the Governor of Maine that a similar course will be pursued in regard to the agents of the Province of New Brunswick. I have also recommended that any militia that may have been brought together by the State of Maine, from an apprehension of a collision with the Government or people of the British Province, will be voluntarily and peaceably disbanded.

I cannot allow myself to doubt that the results anticipated from these representations will be seasonably realized. The parties more immediately interested cannot but perceive that an appeal to arms, under existing circumstances, will not only prove fatal to their present interests, but would postpone, if not defeat, the attainment of the main objects which they have in view. The very incidents which have recently occurred, will necessarily awaken the Governments to the importance of promptly adjusting a dispute, by which it is now manifest that the peace of the two nations is daily and imminently endangered. This expectation is further warranted by the general forbearance which has hitherto characterized the conduct of the Government and people on both sides of the line. In the uniform patriotism of Maine, her attachment to the Union, her respect for the wishes of the people of her sister States, of whose interest in her welfare she cannot be uncon-

scious, and, in the solicitude felt by the country at large for the preservation of peace with our neighbors, we have a strong guarantee that she will not disregard the request that has been made of her.

As, however, the session of Congress is about to terminate, and the agency of the Executive may become necessary during the recess, it is important that the attention of the Legislature should be drawn to the consideration of such measures as may be calculated to obviate the necessity of a call for an extra session. With that view, I have thought it my duty to lay the whole matter before you, and to invite such action thereon as you may think the occasion requires.

M. VAN BUREN.

WASHINGTON, 26th February, 1839.

A very interesting discussion followed, in which MESSRS. BUCHANAN, WEBSTER, DAVIS, CLAY of Kentucky, WALKER, NORVELL, and WILLIAMS of Maine, participated; when,

On motion of Mr. BUCHANAN, the documents were referred to the Committee on Foreign Relations, and ordered to be printed.

On motion by Mr. TALMADGE, five thousand additional copies were ordered to be printed.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 26.

General Appropriation Bill—Branch Mints.

The House went into committee, and resumed the consideration of the general appropriation bill; the pending question still being on striking out the appropriations for the Branch Mints of North Carolina, Georgia, and Louisiana, and providing salaries for persons to supervise the public property thereat.

Mr. CAMBRELENG gave notice that he would remain here all night, and move a call of the House, rather than again rise without closing the amendments on this bill.

The debate was continued at great length by MESSRS. OGLE, BYNUM, GRAHAM, and RENCHER.

Mr. CAMBRELENG appealed to the House to take the question, and let the bill be reported.

And the question on the amendment was taken, and rejected.

IN SENATE.

WEDNESDAY, February 27.

Naturalization Laws—Repeal.

Mr. MOUTON presented the petition of a number of the citizens of the State of Louisiana, praying the entire repeal of the naturalization laws now in force, and the passage of other laws to prevent the indiscriminate influx of foreign emigrants; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. RIVES then moved to recommit the bill to the Committee on the Judiciary, with instructions to amend the bill so as to conform to the resolutions which he had submitted to the Sen-

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Defalcation Reports.

[FEBRUARY, 1839.]

ate some time since; which was lost—yeas 13, nays 25.

North-Eastern Frontier.

The PRESIDENT submitted the following Message from the President of the United States:

WASHINGTON, Feb. 27, 1839.

To the Senate of the United States:

I transmit to Congress copies of various other documents received from the Governor of Maine, relating to the dispute between that State and the Province of New Brunswick, which formed the subject of my Message on the 26th inst.; and also a copy of a memorandum signed by the Secretary of State of the United States and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary near the United States, of the terms upon which it is believed all collision can be avoided on the frontier, consistently with, and respecting the claims on either side. As the British Minister acts without specific authority from his Government, it will be observed that this memorandum has but the force of recommendation on the Provincial authorities and on the Government of the State.

M. VAN BUREN.

[MEMORANDUM.]

Her Majesty's authorities consider it to have been understood and agreed upon by the two Governments, that the territory in dispute between Great Britain and the United States, on the North-eastern frontier, should remain exclusively under British jurisdiction until the final settlement of the boundary question.

The United States Government have not understood the above agreement in the same sense, but consider, on the contrary, that there has been no agreement whatever for the exercise by Great Britain, of exclusive jurisdiction over the disputed territory, or any portion thereof, but a mutual understanding that, pending the negotiation, the jurisdiction then exercised by either party, over small portions of the territory in dispute, should not be enlarged, but be continued merely for the preservation of local tranquillity and the public property, both forbearing as far as practicable to exert any authority, and, when any should be exercised by either, placing upon the conduct of each other the most favorable construction.

A complete understanding upon the question, thus placed at issue, of present jurisdiction, can only be arrived at by friendly discussion between the Governments of the United States and Great Britain; and, as it is confidently hoped that there will be an early settlement of the question, this subordinate point of difference can be of but little moment.

In the mean time, the Governor of the Province of New Brunswick and the Government of the State of Maine will act as follows: Her Majesty's officers will not seek to expel, by military force, the armed party which has been sent by Maine into the district bordering on the Aroostook River; but the Government of Maine will, voluntarily, and without needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them; and if future necessity should arise for dispersing notorious trespassers, or protecting public property from depredation by armed force, the operation shall be conducted by concert, jointly or separately, according to agreements between the Governments of Maine and New Brunswick.

The civil officers in the service respectively of New Brunswick and Maine, who have been taken into custody by the opposite parties, shall be released.

Nothing in this memorandum shall be construed to fortify or to weaken, in any respect whatever, the claim of either party to the ultimate possession of the disputed territory.

The Minister Plenipotentiary of her Britannic Majesty having no specific authority to make any arrangement on the subject, the undersigned can only recommend, as they now earnestly do, to the Governments of New Brunswick and Maine, to regulate their future proceedings according to the terms herein set forth, until the final settlement of the territorial dispute, or until the Governments of the United States and Great Britain shall come to some definite conclusion on the subordinate point upon which they are now at issue.

JOHN FORSYTH, Secretary of State
of the United States of North America.

H. S. FOX, H. B. M. Envoy Extraordinary and Minister Plenipotentiary.

WASHINGTON, February 27, 1839.

After some remarks from Messrs. WILLIAMS of Me., PRESTON, DAVIS, RUGGLES, WEBSTER, BROWN, WALKER, and CALHOUN, the Message was referred to the Committee on Foreign Relations, and five thousand additional copies ordered to be printed.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 27.

Defalcation Reports.

Mr. HARLAN, from the Select Committee appointed on the 17th of January last, to inquire and report as to the defalcations of public officers, made a report; when

Mr. OWENS, of the same committee, on behalf of the minority, by leave, submitted a report containing the views of the minority upon the subject-matters committed to the committee.

Mr. HARLAN, on behalf of the committee, moved the reading of the conclusions of the committee; and that 5,000 copies of the reports with the journal, and 20,000 copies of the reports without the journal, be printed.

Mr. PETRIKIN said he was not opposed to printing, but he objected to the reading, unless all the reports were read. And he called for the reading, accordingly.

Some conversation followed in different parts of the House, of which little could be heard, owing to the extreme confusion.

The CHAIR decided that it was a parliamentary right to call for the reading; and, after some further conversation on points of order,

The Clerk proceeded to read the report of the majority.

The reading was frequently interrupted by attempts to suspend it. And, after it had proceeded some way, on motion of Mr. OWENS, all the reports (by general consent) were laid on

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the table; and 5,000 copies thereof, with the journal, and 20,000 copies of both documents, without the journal, were ordered to be printed.

IN SENATE.

THURSDAY, February 28.

North-Eastern Boundary.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred the President's Message, and accompanying documents, in relation to the existing difficulties on the North-eastern frontier, made a report thereon, which was read, as follows:

The Committee on Foreign Relations, to which was referred the Messages of the President of the United States of the 26th and the 27th inst., and the accompanying documents, in relation to the existing difficulties on the North-eastern frontier of the United States, report the following resolutions, and recommend their adoption by the Senate:

Resolved, That the Senate can discover no trace, throughout the long correspondence which has been submitted to them, between the Governments of Great Britain and the United States, of any understanding, express or implied, much less of any "explicit agreement," such as is now alleged, that the territory in dispute between them on the North-eastern boundary of the latter, shall be placed and remain under the exclusive jurisdiction of her Britannic Majesty's Government until the settlement of the question; on the contrary, it appears that there was, and is, a clear subsisting understanding between the parties, under which they have both acted, that, until this question shall be finally determined, each of them shall refrain from the exercise of jurisdiction over any portion of the disputed territory, except such parts of it as may have been in the actual possession of the one or the other party.

Resolved, That whilst the United States are bound, in good faith, to comply with this understanding, during the pendency of negotiations, the Senate cannot perceive that the State of Maine has violated the spirit of it by merely sending, under the authority of the Legislature, her land agent, with a sufficient force, into the disputed territory, for the sole purpose of expelling lawless trespassers engaged in impairing its value by cutting down the timber; both parties having a common right, and being bound by a common duty, to expel such intruders from a territory to which each claims title, taking care, however, to retire within their acknowledged limits when this single object shall have been accomplished.

Resolved, That should her Britannic Majesty's Government, in violation of the clear understanding between the parties, persist in carrying its avowed determination into execution, and attempt, by military force, to assume exclusive jurisdiction over the disputed territory, all of which, they firmly believe, rightfully belongs to the State of Maine, the exigency, in the opinion of the Senate, will then have occurred, rendering it the imperative duty of the President, under the constitution and the laws, to call forth the militia, and employ the military force of the United States, for the purpose of repelling such an invasion. And in this event, the Senate will cordially co-operate with and sustain the President in defending the rights of the country.

Resolved, That should the British authorities refrain from attempting a military occupation of the territory in dispute, and from enforcing their claim to exclusive jurisdiction over it by arms, that then, in the opinion of the Senate, the State of Maine ought, on her part, to pursue a course of similar forbearance. And should she refuse to do so, and determine to settle the controversy for herself by force, the adjustment of which is intrusted under the constitution to the Federal Government, in such an event there will be no obligation imposed on that Government to sustain her by military aid.

The report was ordered to be printed, and made the special order for to-morrow.

Treasury Notes.

The bill to revive and continue in force the act providing for the issue of Treasury notes, came up on its third reading.

Mr. WEBSTER rose to make an inquiry of Mr. WRIGHT, whether there was any intention of selling the remaining bond due by the Bank of the United States, gave it unhesitatingly as his opinion that the sale of the second bond was not only perfectly legal, but a judicious proceeding. He thought, moreover, that the manner in which the funds had been disbursed had a considerable agency in the resumption of specie payments.

The bill was passed without a division.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 28.

Florida War—Lost Horses.

The bill making appropriations for preventing and suppressing Indian hostilities for 1839, then came up on its third reading.

Mr. BELL renewed the following amendment, moved by him in committee:

"For paying the value of the horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States in the Territory of Florida, and which were turned over to the Government by the order of the commanding general, or other commanding officer, said value to be ascertained by the appraisement of said value when the volunteers entered the service, \$52,000.

"And the provisions of acts approved and in force at various periods since 1813, authorizing payment for horses lost in the service of the United States by rangers, militia, and volunteers, are hereby revived and extended for two years, from and after the passage of this act, and under the action of the Third Auditor shall be deemed to embrace all cases not already satisfied, of horses lost to their owners in service as aforesaid, in battle or otherwise, where due care and diligence be rendered manifest on the part of the owner; and whether, if the death or loss of rangers' horses shall have occurred for want of forage, and at places when acting in obedience to the orders of commanding officers, forage could not have been procured by proper diligence on the part of the owner."

Mr. RUSSELL renewed his amendment to the

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General Appropriation Bill—Book Purchases.

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amendment of Mr. BELL, by adding thereto the following:

"No payment, however, shall be made for horses or other property lost or destroyed, when the loss or destruction shall have been occasioned by the fault or neglect of the owner, or when, by the terms of the contract, the risk was upon the owner of the property. And the valuation, when horses have been turned over to the Government, shall be made at the time they were turned over.

Mr. TURNEY warmly opposed the proposition of Mr. R., and supported the original amendment.

After some further remarks from Messrs. THOMPSON and DOWNING,

Mr. BELL accepted the first branch of the amendment as a modification; but the second, he said, would have the effect of defeating the whole.

After a few further remarks from Mr. CHAMBERS, the last branch of Mr. RUSSELL's amendment was rejected.

Mr. GREENELL opposed the amendment of Mr. BELL, and entreated the House to put it off till next session, and not, thus in the dark, vote so large a draft upon the Treasury without having the facts or any investigation.

Mr. RUSSELL demanded the yeas and nays, but they were refused, and the amendment was agreed to—ayes 81, noes 61.

IN SENATE.

FRIDAY, March 1.

General Appropriation Bill—Book Purchases—Disagreement of the two Houses.

The bill making appropriation for the civil and diplomatic expenses of the Government for the year 1839, was taken up for consideration, and after several amendments proposed by the Committee on Finance had been concurred in, the amendment of the committee proposing to strike out the following section, viz: "For the balance due on account of the first volume of the Documentary History of the United States, five thousand six hundred and two dollars; and the Secretary of State is hereby authorized to deliver to the Secretary of the Senate forty copies of said work, and to the Clerk of the House of Representatives three hundred and sixty-eight copies of said work, to be distributed to each of the members of the Senate and House of Representatives of the 23d, 24th, and 25th Congresses, who are not entitled to receive the same under former resolutions or acts of Congress," was considered.

Mr. WEBSTER hoped that the Senate would not strike out this appropriation. It was, in his opinion, a very small matter, and too unimportant to be wasting the time of the Senate on at this late period of the session. The House had thought proper to make this appropriation to fulfil the obligations of a contract entered into by this Government, and he thought the proper way was to agree to it, and

not hazard the loss of the bill and the consequent stopping of the Government by delaying the passage of it. If gentlemen would persist in consuming time, and were determined to higggle with the House on this appropriation of five thousand dollars, he had warned them of the consequences, and they must take the responsibility.

Mr. WRIGHT said, if the Senator from Massachusetts thinks I am not aware of my responsibility, or that I fear to meet it, he does not know me. Mr. W. thought the time was come when the Senate should make a stand upon this subject, and said the responsibility of defeating the bill, if it was lost, would rest with those who had incorporated this provision into it. Mr. W. went on at some length in opposition to the practice of appropriating money for the purchase of books, and distributing them among themselves, and trusted that the Senate would not countenance it any longer.

After some remarks from Mr. BENTON in favor of the amendment, the question was taken on the recommendation of the committee, when

The PRESIDENT announced there was not a quorum in attendance.

Mr. SEVIER moved that there be a call of the Senate.

The PRESIDENT said the Senator from Arkansas might reach his object by moving that the Sergeant-at-arms be directed to summon the absent Senators, and if they refused attending, the presiding officer might issue his warrant, and have them brought before the Senate.

Mr. SEVIER modified his motion accordingly.

Several Senators requesting Mr. S. to withdraw his motion,

Mr. WALKER hoped that the Senator from Arkansas would persist in it. The only Senators who were invalids, and whose healths were endangered by the protracted sittings of that body, were in their seats attending to their public duties, while a majority of the Senate, who had not the plea of illness to offer as an excuse for their absence, were in their beds. He hoped the motion would be persisted in, and that Senators, if other motives could not induce them to do so, would be compelled by order of the body to attend to the public business.

After some conversation the motion was withdrawn, and

The Senate adjourned.

SATURDAY, March 2.

General Appropriation Bill—Book Purchases—Documentary History of the United States.

The bill making appropriations for the civil and diplomatic expenses of the Government for the year 1839, was taken up, and the question being on the amendment proposed by the Committee on Finance, to strike out the appropriation for the Documentary History—

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General Appropriation Bill—Book Purchases.

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Mr. BENTON spoke at much length against the appropriation, and also against the distribution of the books, and read from reports of committees to justify what he said. He considered this whole business of printing books for members of Congress—a practice which had grown up within a few years past—to be one of the most abominable abuses which now beset the Government, and he considered this particular job as the most abominable of the whole. Taken in every way, the manner in which it was got through without the knowledge of the most attentive members—he meant others still more than himself—the enormity of the sum involved—the vast bulk and little worth of the work—and the distribution of it to the members that voted for it—and it was truly an abominable abuse. None of us knew that such a work was authorized by us. It was passed in 1833, and it was nearly a year afterwards before we discovered what we had done. He (Mr. B.) found it out from Mr. Mangum, of North Carolina, at the next session, who was a member of a committee who discovered what had been done; and then, for the first time, it was found out that an act had been passed by which upwards of half a million of dollars, at the least, and possibly a million and a half, was to be given to an officer of the House of Representatives (Mr. St. C. Clarke, the Clerk of the House) and his partner, for printing a work to be given to those who voted that officer and his partner the money! As soon as found out, the abuse was resisted by some members, and has been resisted for six years, but without effect; for while a majority condemn and denounce it, yet they are placed under duress, and compelled to vote for the money and the distribution by putting them in the appropriation bills for the support of the Government, and then making it a question to lose the whole bill and stop the Government, or let the distribution go on. He, for one, would vote against it, and let the Government stop, if that should be the consequence; and let the people see who it was that would break up the Government before they would cease voting books to themselves! Even if the vote of the books was right in itself, it would be wrong to be put into an appropriation bill; and he would not be coerced by finding it there. But the whole practice was wrong in itself, and was becoming an enormous abuse—enormous for the amount of money—enormous for the principle—enormous for the frightful progress which it made—enormous for the consequences it might lead to. Every session we have jobs and distributions. A multitude of works have been printed and distributed. They multiply every session. We vote the money to the jobber—the jobber gives the books to us—and many of us sell the books instantaneously to Mr. Templeman, or some other purchaser. Twenty thousand—forty thousand—sixty thousand dollars—are a common vote, and done with a rapidity which defies all description, and in a way to escape the notice of

the most attentive members. But this is a case, not of twenty—or forty—or sixty thousand dollars, but of one or two millions! It is absolutely a case of millions, and may be as many as the jobbers choose to make it. It is without limits or boundaries; it is to print whatever the jobbers choose to print—for there is no earthly control over them—under the name of the Documentary History of the Revolution. Already they inform us that the private and public libraries of America and Europe are to be explored to find either manuscript or printed matter to be published; and they are at liberty to publish all that they can find. The first computation supposed it might amount to a million and a half of dollars; then the undertakers, when the enormity of that sum startled everybody, proposed to put a limit on themselves by limiting the number of volumes. They proposed to limit the volumes to twenty, and left the number of pages unlimited, though estimated for at 800 pages. The pay was by the page—so much the page—and at this rate it would come to \$20,400 a volume; and twenty volumes would make \$408,000. This seemed to impose a limit, but it was all an illusion! The number of pages were unlimited, and instead of 800, the first volume—the only one printed—contains above 1,000 pages! and instead of \$20,400, the estimated, the actual price is \$26,000! and by doubling the pages, the next one may be \$52,000. This bill is to pay a balance, a balance due for the first volume; and this balance is \$5,600! the estimated price of \$20,400 having been previously paid. At this rate the twenty volumes will cost \$520,000; but there is nothing to limit it to that amount; the publishers can print what they please, as many volumes as they please, and as many pages as they please in each volume; and being paid by the page, the bulk of the work, and the amount of the price, is absolutely without limit! It is also without limit as to time! It may last for centuries, and through generations; and the families of Mr. Clarke and Mr. Force may be pensioned on the Federal Government through successive ages. It is a personal contract with Messrs. Clarke and Force; it will descend to their representatives; it has taken six years to make one volume; and twenty volumes, even if limited to that, would require, at the same rate, one hundred and twenty years to complete the work. So slow is the forthcoming work that we have been told on this floor—told by Mr. KING, of Georgia, who began the good work of opposing this business—that he was well informed that a member had sold his interest in the whole Documentary History, for which we pay a million or so, for ten dollars in hand.

Mr. B. then took the ground that the whole contract ought to be set aside, for fraud: first, in the manner of getting it through Congress in a way to prevent all knowledge of the magnitude of the work, and that by an officer of the

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House; next, for want of moral or constitutional power in the Congress to vote themselves such presents; third, for the manner in which the price was fixed, and fixed nearly twice too much—as he proved, by reading answers to inquiries from the most eminent booksellers of Philadelphia and other cities, addressed to them by a committee of the House of Representatives after the discovery of the extent of the job given to Messrs. Clarke and Force. He read from the report to show that Messrs. Clarke and Force virtually fixed the price themselves by putting it into the face of the law, that they were to have at the same rate that Messrs. Blair and Rives were paid for a certain work, the price of which was fixed by Mr. Force, who was selected by Mr. Clarke and Mr. Lowry for that purpose; Clarke and Force's bill depending in Congress, while Mr. Force, as a referee, was fixing the price of work which was to govern his own.

Mr. B. finished with declaring that this book printing and book distributing business had become an enormous abuse; that the attention of the country ought to be roused up to it; and if the bill for the support of the Government was lost, it would rouse the country, and, in the end, save millions. For his own part, he had been resisting this business for six years without any effect, for it was growing and increasing annually. But he should go on opposing it, opposing all these jobs, great and small. He had to encounter friends and foes, and to draw on himself censure and opposition. He was sorry for it, but he could not help it. The abuse must be stopped, and he had taken a fixed and inexorable resolution to try and stop it. He had put on his iron nerves, and should yield to neither friends nor foes.

Mr. SOUTHARD spoke in reply, insisting that this sum was due under a contract which was a law of the land; and that Congress, before withholding appropriations, ought to declare that contract null and void, which no one dared to propose in direct terms, or else they ought to make a compromise, and allow Clarke and Force suitable damages.

Mr. CALHOUN said he would vote for this appropriation, but a sense of duty would not allow him to vote in favor of giving books to members of Congress. He agreed, however, if Clarke and Force should suffer damage on account of a failure in Congress to fulfil a contract, they ought to be remunerated.

On the call of Mr. FOSTER, the question was divided so as to ascertain, first, whether the Senate would make this appropriation; and, second, whether the books should be distributed as provided for by the bill.

The former of these questions was decided in the negative, thus striking out the appropriation of \$5,602 by yeas and nays, as follows:

YEAS.—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Fulton, Hubbard, Linn, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson;

Sevier, Smith of Connecticut, Walker, Williams of Mississippi, and Wright—20.

NAYS.—Messrs. Bayard, Clay of Kentucky, Clayton, Davis, Foster, Knight, Merrick, Robbins, Smith of Indiana, Southard, Swift, Tallmadge, and Webster—13.

The question on the distribution of the books was negatived by yeas and nays, as follows:

YEAS.—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Foster, Fulton, Hubbard, King, Knight, Merrick, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Walker, Wall, White, Williams of Maine, Williams of Mississippi, and Wright—29.

NAYS.—Messrs. Davis, Southard, and Webster—3.

The Maine Boundary—Increased Power and Means to the President in the event of Invasion of that State.

The bill from the House giving to the President of the United States additional powers for the defence of the United States in certain cases against invasion, and for other purposes, was received, the 16th joint rule in the way of its reception was suspended, and the Senate proceeded forthwith to consider the bill. After having been read the first time,

Mr. BENTON observed that he did not think it necessary, at this late period of the session, and under present circumstances, to refer this bill to a committee. The subject was perfectly understood by every Senator; the bill, as it had passed the House, was on their tables; and the sense of the Senate had been fully expressed in the resolutions unanimously adopted last evening. He therefore thought that they had better not refer the bill, but take it up in Committee of the Whole, and act on it at once.

Mr. BUCHANAN observed that the bill from the House, now before the Senate, entirely met his approbation, with perhaps a single exception. Under all the circumstances, he doubted the policy of sending a special minister to England; but he should make no motion to strike this provision from the bill, unless his doubts might be fortified by the opinion of other Senators. With this exception, if such it ought to be considered, the bill, he believed, was just such a one as the Committee on Foreign Relations would have unanimously reported to the Senate, had it not been deemed more proper that this measure should originate in the House. It was precisely in accordance with the resolutions which had passed the Senate last night, by which we pledged ourselves, that in case the British Government should attempt to take possession of the disputed territory, we would stand by the President of the United States, and sustain him with all the military power of the nation in repelling this aggression. This bill contained no provisional army. It simply authorized a resort to the militia and volunteers, in case it should become necessary to call out a military force before

Congress could be convened, and appropriated the money necessary to accomplish the object. Mr. B. agreed with his friend from Missouri, (Mr. BENTON,) that it was unnecessary to refer this bill to a committee, as it was plain and simple in its provisions, and the session so near its close. As to the propriety of sending a special minister to England—he would be glad to hear the opinion of other Senators on this subject.

Mr. TALLMADGE observed that he differed with the Senator from Pennsylvania in one particular. He was highly in favor of sending a special minister to England. He thought the minister sent should be a man of character and standing, and he had no idea that the President would send any other.

Mr. SOUTHARD acknowledged that he felt great difficulty in passing so promptly on a bill of such magnitude. He did not view it in the light that other Senators did, as carrying out the resolutions of the Committee on Foreign Relations, but going far beyond them. He greatly feared the consequences of passing such a bill, and was alarmed at what would be the result of its passage. For if it did pass, and the President should call for the volunteers authorized by it, there would be a war between this country and Great Britain which might last for years. Where were these volunteers to be raised, and how? The moment, said Mr. S., that that bill is passed, you will find volunteers assembling under it, and eager to march into the British territories.

Now, I ask you (continued Mr. S.) to look upon the whole of our frontiers, and see what has occurred there during the past twelve months, together with the tone and temper of the people. Did it not require all the exertions of the Executive to repress the spirit that was so openly manifested? He would as soon, Mr. S. said, vote for an absolute declaration of war as this bill. The great danger was that the volunteers would not wait for the orders of the President of the United States, but that they would, as soon as organized, invade the British territory, and thus bring on a war while the two Governments were in the progress of adjusting the differences between them. There were other provisions of this bill to which he was not prepared to give his assent, and there were others which he approved of, and among the latter was the one referred to by the Senator from New York. He hoped that a special minister would be sent to England, and that the mission would result in the settlement of all our differences with that power. God forbid that a war between this country and England, the representatives of the freedom of the world, should ever take place. He did not fear the contest if it should be forced on him; but, said he, if we go into this conflict, I wish to go into it coolly and dispassionately, and in a manner calculated to carry with us the feelings of the people of the whole country. He preferred that the bill should be sent to a committee,

with a view to a more mature consideration of the whole subject, and the recommendation of some measure less calculated to precipitate the country into a war. In the present posture of affairs, this section authorizing the raising of volunteers, would be looked on by the British Government in no other light than as a menace, and perhaps lead this high-spirited people into acts of hostility, which more moderate measures on our part might prevent. How could we expect any successful negotiations for terminating our differences with the British Government, with this threat hanging over them? Would they not point to it as an act of hostility, and refuse to negotiate until it was withdrawn?

Mr. S., after some further remarks, concluded by moving to refer the bill to the Committee on Foreign Relations.

Mr. TALLMADGE did not know that he had any objections to the reference of the bill; the remark he made was in regard to the sending of a minister. But he saw no cause for the alarm felt by the Senator from New Jersey. No one could pretend that volunteers would be raised under the provisions of this bill till the President called for them; and after he has called for them, they will, as soon as raised, be in the service of the United States, and cannot go to Canada, or anywhere else, without orders. He could not agree with the Senator from New Jersey, that any part of this bill could justly be viewed as a threat or menace. We have been threatened with invasion, and though he did not believe that the threat would be carried into execution, yet it was highly necessary to be prepared for any such contingency. Should the British Government complain of this clause of the bill as a menace, which he did not believe they would do, the President could say, that from the very nature of our institutions, we were unprepared for any emergency, and therefore it was that Congress passed this measure in order that we might be prepared to meet the invasion that was threatened. We shall always, said Mr. T., enter into a conflict with a foreign power under disadvantageous circumstances, but we shall become stronger as it progresses, and triumph in the end. He did believe that this bill was necessary, and he would therefore give it his vote. We passed, said he, unanimously the resolutions reported by the Committee on Foreign Relations; and last session we passed resolutions just as strong, and what did they amount to? To nothing. The British Government, instead of giving up their claims, had advanced the claim to exclusive jurisdiction over the disputed territory, and threatened to support it with an armed force. Under these circumstances, he was for putting the country in a situation to meet the threatened contingency. He saw nothing alarming in the authorizing this volunteer force to be raised. They will be embodied only when the President shall call for them; and being under his orders, they

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will not be able to march a foot until he commands it.

Mr. MERRICK was in favor of referring the bill to the Committee on Foreign Relations. It was an important measure, and should go through all the forms of legislation; and if it passed, it should be after full and solemn deliberation. There was no man in the country more reluctant to go to war than he was. A war would be highly injurious to the people he represented, but he would not sacrifice the honor or the interests of the nation for the sake of preserving peace. He had no fears of any consequences resulting from authorizing this volunteer corps. They are, he said, to be composed of the freemen of the United States, and upon them we can as safely rely for obeying the laws as for defending the liberties of the country. We are about (said Mr. M.) to adjourn, and cannot meet again for many months. We are threatened with invasion, and the danger is great that the threat will be carried into execution. My opinion is (said Mr. M.) that war will come before twelve months are over, do what you will. Ought we, then, to adjourn without putting it in the power of the President to defend the country?

Mr. BUCHANAN said, that even at this late hour of the night, considering the position which he occupied in relation to the subject, the Senate would excuse him for asking their attention for a few moments, whilst he replied to the remarks of the Senator from New Jersey, (Mr. SOUTHWARD.)

For my own part, said Mr. B., I am not excited in the slightest degree, but am calm as a summer's morning: nor do I believe that the Senate required a caution against acting under violent impulse. I confess that, throughout the whole proceeding, I have been only anxious that we should act with such coolness, such dignity, and such discretion, as would secure the approbation of the country. This important object has, I think, been accomplished. The justice of our cause is palpable; and I have only labored to prevent it from being obscured, by the adoption of any measure, in the assertion of our rights, on which our constituents could be fairly divided in opinion. It was for this reason that I have come into conflict with the State of Maine, in relation to the fourth resolution reported by the committee. Although I preferred that resolution as it originally stood, because it was more precise, yet the change in the last clause does not materially affect the meaning; and it has procured a unanimous vote in its favor—a consummation much to be desired. Should Maine act in accordance with the spirit of this resolution, then if war must come, it will find the country unanimous. On the part of Great Britain, it will be a war of pure aggression, waged, during the pendency of peaceful negotiations, for the purpose of assuming exclusive military jurisdiction, against the clear understanding between the two Governments, over a territory

to which she has not even a shadow of title. In such an event, the only alternative is war or national dishonor; and between these two, what American can hesitate? Force must be repelled by force; or national degradation is the inevitable consequence. I confess, however, it is still difficult to believe that Great Britain will madly rush into such a contest for an object so inconsiderable. This is a question for her own decision. All we have to do is to stand on the defensive, and exercise forbearance until the shock of arms shall render forbearance no longer a virtue.

I would ask the Senator from New Jersey, what is there in this bill which is not precisely in conformity with the resolutions unanimously adopted last night? Which was the most important of all these resolutions? Was it not that one which declared that, if the British Government should, in pursuance of its avowed determination, attempt, by military force, to take possession of the disputed territory, that we would sustain the President in defending the rights of the country, and repelling this invasion? This is the single principle clearly and strongly expressed in the fourth resolution. What, then, do we propose to do by this bill? Merely to carry out this principle in practice; and that, too, in the mildest form consistently with the safety of the country. Would we not make ourselves a ridiculous spectacle before all mankind, if we should adjourn, after adopting this solemn resolution, and leave the President, without a dollar, to defend the country, in case it should be attacked? We first pledge ourselves in the most solemn manner to sustain him; and, when called upon to redeem our pledge, we prove recreant to this duty which, but yesterday, we imposed upon ourselves. Is there a single Senator here prepared to act such a part?

This bill is in fact but little more than a contingent appropriation of \$10,000,000, placed at the disposal of the President, to enable him to call forth the militia, in execution of the constitution and the existing law, for the purpose of repelling the threatened invasion of the disputed territory. It is true that the term of service is extended from three to six months, and the President is authorized to accept of the services of volunteers. These are the only changes in the old law effected by the bill. It does not propose to add a soldier to the regular army. Until the next meeting of Congress, it relies exclusively upon the present army, militia and volunteers of the country, to repel the invasion of the disputed territory. Now, I ask, what less can we do, unless regardless of our duty, we should determine to adjourn whilst war is impending over us, without providing any means of defence? And yet the Senator from New Jersey fancies that he sees in the bill a menace to England; and he dreads a rushing of armed citizen volunteers across our frontier for the purpose of invading the territory of a friendly power. But what says the bill? Un-

less the contingency should happen for which it provides, these volunteers will remain at home. They can never be embodied without the orders of the President. They cannot move towards the frontier until the event shall occur on which we have solemnly declared that we will cordially co-operate with the President in defending the interest and honor of the country. What, then, is the inevitable consequence of the Senator's argument? That we shall adopt no precautionary measures to repel a threatened invasion, lest perchance they may be construed into a menace by the invading power. The gentleman has not seen the point to which his own argument would lead him. If he had, it never would have been advanced. Besides, this argument implies a want of confidence in our citizen volunteers, which I do not feel.

If we adjourn without passing this bill, we shall richly deserve the reputation of being a Government valiant in resolutions upon paper—a Government mighty in words, but contemptible in action. We should become the scorn of our constituents.

But this bill is called a threat. A threat! To prepare for war, when an intention to invade our territory has been avowed, is a threat which may offend our powerful neighbor! Such was not the opinion of General Washington. He believed that to prepare for war was the best mode of preserving peace. Weakness always invites aggression. Fortunately, or unfortunately, for us, from the very nature of our institutions, we shall never be well prepared for war; but for this very reason, when we have cause to apprehend immediate danger, our exertions ought to be so much the more vigorous. We now find that Sir John Harvey is collecting and concentrating his forces, which it is said will amount to four or five thousand regular troops, with the avowed purpose of making a descent on the disputed territory, and placing it under the exclusive jurisdiction of England. When this danger is impending, shall we place ourselves in the contemptible position of resolving that the State of Maine shall be defended, and then re-resolving that it shall not be defended, lest it might give offence to the British Government? We can never avert war by base submission; and if we could, the people of this country will never purchase peace at the price of self-degradation. No, sir, never. If the British Government should ever complain of this bill as a threat, our Minister can point with confidence to the letter and proclamation of Sir John Harvey, in which he has first threatened to take military possession of the disputed territory, under the express command of his sovereign. He can show that the menace first came from her Majesty's Government; and that our proceedings have been purely defensive. The bill contains no provision which goes further than adopting the necessary means of self-defence, in case a foreign foe should invade our native land. If my neighbor should be in the very act of attempting to deprive me of my

property by force, and I should stand upon the defensive, he might, with the same propriety, turn about and accuse me of threatening him.

Whilst I am in favor of defending the just rights of Maine to the last extremity; I am also disposed to inform her distinctly, that if, in violation of the constitution, which confers upon the Executive of the Union the treaty-making power, and in violation of the clear subsisting understanding between the parties, she will become the aggressor, and attempt permanently to occupy the disputed territory by force, we are under no constitutional obligation to come to her aid, however difficult it might be, even in such a case, to resist her appeal. In the language of the amendment made to the fourth resolution, it is her duty to leave the ultimate vindication of her rights to the General Government, to which it rightfully and constitutionally belongs. Hands off from this territory on both sides, while negotiations are pending. During this period, the question belongs exclusively to the General Government. It would be forever a source of regret, both to Maine herself and to the whole country, if she should not withdraw her forces from this territory, in case Sir John Harvey should set her the example, desisting from attempting its military occupation.

I deprecate war; but in a just cause I do not dread it. If it should come now, it will be inevitable, and we may appeal to the world for the justice of our cause. Our course has hitherto been correct in asserting our rights. I trust and believe that Maine will not embarrass us in pursuing it to the end. That she has cause to complain, I cheerfully admit; but let her continue to rely upon the General Government, and when the crisis shall arrive, if arrive it must, she will find the country as one man rushing to her rescue. On the contrary, should the patriotic, but excited feeling which now seems to pervade her citizens, drive them into acts of aggression, and involve us in war, the best cause will be weakened by such conduct, and distraction, and division among the citizens of the other States, may be the consequence. Let her be prudent as well as firm. This controversy must soon be ended either by negotiation or by arms. Let her patiently and patriotically await the result, unless the territory should be actually invaded.

The question was here taken on Mr. SOUTHARD's motion to refer the bill to the Committee on Foreign Relations, and lost without a division.

Mr. SOUTHARD then addressed the Senate in opposition to the bill, recapitulating the arguments used by him when first up.

Mr. WALKER said he did not rise at this late hour to make a speech in favor of this bill, but to appeal to the Senator from New Jersey, (Mr. SOUTHARD,) and beseech him, by his love of country and regard for its honor, and its rights, not to vote against this bill. It was not the bill that the Senator supposed it was. He cer-

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tainly could not have had an opportunity of understanding it truly. He appealed to the Senator not to prevent a unanimous vote of this body in favor of a measure so essentially necessary for the honor and safety of the country. He fully believed that the Senator regarded the rights and liberties of his country as much as any man on that floor; and he had not a doubt but if he understood this bill properly, he would give it his support. Every vote given against this bill, said Mr. W., will be regarded by Great Britain as an invitation, on the part of the Senator who gave it, to persist in her unreasonable pretensions, and never to surrender her claims to this disputed territory. Not to pass this bill would be dishonorable, when we had declared that Great Britain had not a shadow of claim to this disputed territory, and that we would consider her taking possession of it as an invasion of the territory of the United States, that would justify the President, under the constitution, in calling out the militia to repel it. When, in addition to this, we had pledged ourselves to the State of Maine to sustain her, would it not be dishonorable to vote down the only measure that would enable the President to carry into effect the recommendations of the Senate? If we should send a minister to England after this bill had been negatived by the Senate, the British ministry would laugh him to scorn.

And under what circumstances, said Mr. W., are we to refuse to pass this bill? From all the official information that is before us, we learn that the Governor of New Brunswick says that he is positively instructed by the British Government to take possession of this disputed territory, and that he is determined to do it with all the force of the Provincial Government, both regulars and militia. There is a threat, and not merely a threat, for it has been followed up by an actual call for militia, and by armed troops marching into the disputed territory. We shall disgrace ourselves, said Mr. W., by returning to our homes and leaving a sister State undefended, when she has been threatened with invasion. Under these circumstances he appealed to the love of country of the Senator from New Jersey—for he believed that patriotism beats in his bosom as strong as in that of any other Senator—to let the vote on this bill be a unanimous one by adding his voice in its favor; so that when our minister went to England, he might go armed with the strongest power of the country. He knew that there were those within the sound of his voice, who, armed with such a moral power as this bill, passed by the unanimous consent of both Houses of Congress, would give him, could not fail of bringing this controversy to a successful and happy termination.

Mr. NILES said he rejoiced to see this bill so perfectly acceptable to the members of this body, with but one solitary exception. We all agree, said he, in this matter, that we are for preserving the peace of the country if we can

do so without sacrificing our honor. The only question, then, is, whether the assuming the attitude the bill proposes, by clothing the President with power to arm for defence only on the one hand, and proposing to open a new negotiation on the other, the latter purpose will be frustrated by the former, as the Senator from New Jersey apprehends. Now, he had no such apprehensions. All the Senator's objections were, in his view, founded in error. No volunteers could be organized until the President called for them by his proclamation, and when they were organized they would be in the service of the United States; and no matter what the state of excitement on the Canada borders was, they could not march a foot without orders. But he would pass over this objection, as it could not be supported by any show of reason. The only plausible objection raised was, whether Great Britain might not consider the authorizing this volunteer force as some sort of a menace—as coming to her with the olive branch in one hand and the sword in the other. This was possible; but what would be the ultimate effect of assuming this attitude? It would produce this effect: it would convince the British Government that we are in earnest in this matter, and that though we have a strong desire for peace, yet we are not willing to delay the settlement of these difficulties any longer, and that it must be settled at once, or produce a rupture between the two countries. The high attitude we assumed towards France, notwithstanding her complaints of insults, settled the controversy with her, that had lasted for a quarter of a century. Pass this bill, and the present controversy will be settled in twelve months. Instead of its being a war measure, I, for one, said Mr. N., pronounce it to be a peace measure. It will preserve peace between the two countries. If you do not pass it, it will protract the negotiation, and perhaps end in a war which will last for years. He stood upon that noble maxim of the late President of the United States, that we desired nothing from foreign nations but what was right, and would submit to nothing that was wrong.

Mr. SOUTHARD here moved to strike out the provision in the bill for raising fifty thousand volunteers; which motion was rejected, as follows:

YEA.—Mr. Southard.

NAYS.—Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Davis, Foster, Fulton, Hubbard, King, Linn, Lyon, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tallmadge, Walker, Wall, Webster, White, Williams of Maine, Williams of Mississippi, Wright, and Young—38.

The question was then taken on ordering the bill to a third reading; and it was carried by a unanimous vote—yeas 41.

The bill was then read the third time, and passed unanimously.

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And the Senate adjourned at twenty minutes past four o'clock, A. M.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 2.

Relations with Mexico.

Mr. HOWARD, from the Committee on Foreign Affairs, to which was referred the Message of the President of the United States of the 27th instant, relating to Mexico, reported the following resolutions:

Resolved, That the unreasonable procrastination which has attended every step, on the part of Mexico, in the progress of the negotiations between the two Governments, for many years past, justifies a hope that the minister who is about to be sent to that country by the President, will press for a speedy and definite settlement of the demands which have so repeatedly, but ineffectually, been made upon Mexico by the Government of the United States.

Resolved, That this House will impatiently expect the result of this mission; and, if it shall prove unavailing, will sustain the Executive branch of the Government, in any ulterior measures which may become necessary.

Hayti.

Mr. DROMGOOLE, from the Committee on Foreign Affairs, reported a resolution, which was concurred in, to discharge the committee from the further consideration of sundry memorials asking for the opening of international relations with Hayti.

Isthmus of Panama.

Mr. MERCER, from the Committee on Roads and Canals, reported the following resolution, which was concurred in:

Resolved, That the President of the United States be requested to consider the expediency of opening or continuing negotiations with the Governments of other nations, and particularly with those whose territorial jurisdiction comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of opening a communication between the Atlantic and Pacific Oceans, by the construction of a ship channel or canal across the isthmus, and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal, to all nations, on the payment of reasonable tolls.

The Maine Boundary—Bill to Increase the Means of Defence in the Event of Invasion.

The House then, in pursuance of the special order, went into Committee on the Union, Mr. LINCOLN in the chair, and resumed the consideration of the bill in relation to the difficulties in Maine.

Mr. CUSHING obtained the floor, but gave way to Mr. SALTONSTALL, who made an explanation of his remarks of last evening.

Mr. C. then proceeded to discuss the merits of the question, with reference to Sir John

Harvey. Mr. C. was convinced that officer had misconstrued his instructions, and he adduced facts which went to show it. As to the bill, he denied that it was a war measure, either on its face or in its spirit. What were the preparations contemplated by it? Were they either aggressive or belligerent? They were not; they were purely defensive, and in conformity with the act of 1795.

Instead, too, of being an augmentation of the Executive power, derived under that act, it was a diminution, because the law of '95 gave the President general power, whereas this bill restricted it to a particular exigency, a positive contingency, on the arising of which alone he could act. Having explained and advocated the provisions of the bill, Mr. C. proceeded to defend the principles of the bill and the report, in reply to Mr. BIDDLE. As to the present being an incidental question, it was precisely one of those which the country could understand. The main issue, the question of boundary, was involved in a tedious controversy, running through a long series of ponderous documents. Not so with this. It was a question of fact, plain and intelligible to every man. The State of Maine had been invaded, and *that* all could understand. Bring it home to the ordinary occurrences of life. A question of title to an estate might be so involved in intricacy, that no common man could unravel it; but if a trespasser fenced in half his neighbor's farm, it was plainly understood. Moreover, the case of the Aroostook was stronger than that of Madawaska. In regard to the latter, Great Britain had set up a claim of jurisdiction, on the ground of *uti possidetis*. But they had never before set up to exercise practical jurisdiction in the Aroostook, for there the *uti possidetis* gave it clearly to the United States, and we had always held over it full sovereignty. Mr. C. produced a map published by the House of Commons of England, and also cited the commission of the Earl of Durham as Governor General of all the British North American provinces, and which demonstrated that she herself then regarded the sovereignty over this territory as not belonging to her. After dwelling on the main points very briefly, Mr. C. concluded; and was followed by

Mr. CRARY, who, after a brief review of the question, made an earnest defence of the bill, which he regarded as a peace or a war measure, just as it might be taken by Great Britain. As for the State of Maine, he knew the character of the people of this country too well to think, for a moment, that she would recede a single step; and rather than vote to coerce her to do so, he would abandon his seat and go home. He hoped the British Government would at once disavow the unlawful acts of her Provincial Governor; but if she did not, he was prepared for the worst consequences. Nor had he any of those terrors of her mighty power which some gentlemen seemed to entertain. Her relations with Russia, with Persia, with

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the Burmese empire, and the East generally, were of the most critical character. The blood she had so cruelly shed in Canada, had weaned the heart of that Province from her, and her domestic relations were at this moment being shaken to their centre. He did not desire war, but he would yield nothing to preserve a dishonorable peace. After some further remarks, Mr. C. concluded, and

Mr. ADAMS followed at length in support of the bill, and on the question generally. He said he should not be surprised that, if the Congress failed to do any thing at the present crisis, it might be taken as an argument by Great Britain that this Government had left Maine to its fate. She would answer "no" to all the claims of that State to have her rights of jurisdiction respected. Whatever might be the action of the House at the present time, he believed the question would eventually have to be settled by force of arms, and, for one, was not disposed to have much further negotiation. It was for this reason that he was disposed to vote for this bill as a further notification to the British Government—one which she could not misunderstand—as to what were our determinations. He was in favor of the bill, not merely because this contingency presented itself, but to put us in a state of defence for any contingency that might occur. He understood it as a bill to arm merely for the defence of our soil, and not as an indication that we were determined or expected to have war. England cannot understand it thus; there is nothing offensive in it at all. Every independent nation, whether weak or strong, has the right to arm herself up to the ears. The right to arm in self defence is a right of peace. Indeed, he was rather disposed to take a stiffer course than this bill proposes, for he did not altogether approve the section which proposes to send a special minister to England; he thought she had assumed a wrong position, and should rather send us a special minister to explain what, indeed, were her intentions.

The President and Secretary of State seemed to regret the course Maine has taken; but, so far as he was concerned, he respected and revered her for it; it was one sanctioned by the unanimous voice of her Legislature. The act of that State was deliberate, one of the qualities which belonged to firm and consistent action. The act was not rash and indiscreet, as denounced by some, but it was the exercise of her unquestionable right to defend her territory; and so far from disapproving, he would esteem her course, during the short remnant of his life, as honorable.

We had been so quiescent, that the usurpations of England had now commenced to assume the form of rights. He wished to stop them where they are—send them back. That there should be no further mistake, no further delusion on the part of England as to what our rights are in this matter, he thought this bill should be passed. If, however, gentlemen

would offer a substitute equally firm, equally argumentative, he would be willing to take it, not without.

Mr. LEGARE made a few remarks in reply to Mr. ADAMS, and was understood to intimate his approval of the resolutions which passed the Senate; and that he would not, on any account, vote this tremendous power, given in the bill, to the President, were he not of the opinion that he would use it with great prudence.

Mr. BELL regarded the former proceedings of Massachusetts, or Maine, or of this Government, as of very little consequence to the present question, because, if Great Britain intended to assert her claim by arms, she would give us an intimation of that fact, or otherwise postpone it, and therefore we need not apprehend any violent collision till we have received information from that Government. Mr. B. did not think the bill in its present shape could pass the House, and some compromise must be come to. He could not bring himself to believe that any thing like war would ensue. He had never questioned our right to the boundary claimed by us, and though he had anticipated difficulties, yet there was no issue of national honor now involved. All he thought the House ought now to do, was to express its concurrence in the views of the President, not by the passage of this bill, or the first section of it, but to grant him a sufficient supply of money to execute the powers already vested in him, in case the contingency provided for under the existing law of '95 should arise. He had no objection to vote a contingent appropriation of five millions or more, and he had no great objection to the proposition to send a special messenger to England, if the Executive desired it.

Mr. HOWARD explained that the latter proposition was one emanating entirely from the Committee on Foreign Affairs, no member of which, he believed, knew whether it met the views of the Executive or not.

Mr. BELL was glad it came from the source it did. He then went on further to sustain his views of the non-expediency of action at present. They ought to do no more than declare their own opinion, or concurrence in the views of the Executive, and grant him sufficient supplies for any exigency that might arise till despatches were received from England, and the new Congress could be called together. There was no necessity to go beyond this point.

Mr. EVERETT remarked, that the only point of controversy was this: That the British threatened to take forcible and exclusive possession of the debatable territory, and this is what is intended by this bill to prevent. But an agreement had been entered into that all further proceedings on both sides should be estopped; and, after communicating that fact, by the President, there we should have stopped, for no further measures were required. They should not have permitted any serious difficulty

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to have grown out of an incidental question. There was no necessity for this bill; for in any contingency, Maine would not be left defenceless, as the law of '95 was in force, and authorized as much as the Executive could possibly do in sixty days.

At this stage, it being 3 o'clock, the House took its daily recess.

Thanks to the Speaker.

Mr. ELMORE, of South Carolina, moved the following resolution:

Resolved, That the thanks of this House be presented to the Hon. JAS. K. POLK, for the able, impartial, and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties of the Chair.

Mr. McKENNAN inquired of the chair whether this could be received at this time without suspending the rules of the House for that purpose?

Mr. ELMORE suggested that it had always been customary to offer a resolution of this kind as an act of courtesy, and it was never objected to.

Mr. BELL hoped that no objection would be made. It was an act of courtesy on the part of the House, to which he presumed there would be no objections of a *technical character*.

Mr. McKENNAN said he should not press the inquiry or make further objection.

Mr. CURTIS renewed the objection. This was not petition day, and petitions could only be presented on leave. The short time remaining ought to be devoted to the pressing business of the country, which ought not to be interrupted by a resolution of this description, which would, in all probability, lead to an excited debate.

Mr. ELMORE quoted from the journal a precedent when a vote of thanks had been passed to Mr. Stevenson. The question of order had then been raised as now; the CHAIR had decided the motion to be in order; an appeal was taken, and the House sustained the decision of the CHAIR by a vote of 95 to 40.

Mr. PRENTISS said he would not object to the offering of the resolution, but wished to offer an amendment to it.

Mr. ELMORE reminded him that it was a question of order, and that no amendment could be offered till it had been settled, and the resolution received.

Mr. WISE said he should never have raised the question of order himself, but thought it was very proper that it should be raised and considered; and as it was now up, he should back his friend from New York (Mr. CURTIS) in his objection. This was a resolution—nothing more, and nothing else—and it came under the rules which governed the presentation of resolutions. If it was in order, it could be only because the rules admitted its presentation, or because the House, by a vote of two-thirds, suspended the rule for a time. The

rules expressly forbade its being presented save on a particular duty, and the rules had not been suspended.

Mr. CURTIS said that to avoid delay he would withdraw his question of order, though he held it to be a valid objection under the rules.

Mr. ELMORE said, that in offering this resolution he had only followed out a practice of the House which had prevailed from the beginning of the Government. Courtesy had always dictated to the members of the House to accord to their Speaker that meed of thanks which was due to his services. He had no desire to wound the feelings of any gentleman; nor would he debate the propriety of the resolution itself; but if others entered into that question, he should claim an equal right to do so.

Mr. PRENTISS said that he had come to the House prepared to expect the offering of such a resolution. He had seen indications of its coming, and he had come prepared also to offer an amendment to the resolution, and to sustain that amendment, which he should do, if left to sustain it alone. He moved to amend the resolution, by striking from it the word "impartial."

Mr. P. said he was unwilling, at this hour, when they were about so shortly to leave that hall, to allude to any thing which might excite unpleasant reminiscences. He considered this resolution as not a mere matter of form. It had been claimed to be a mere act of parting courtesy, usual at the termination of every Congress; if it were that, and nothing more than that—if it were the mere touching of the cap or extending the hand to the SPEAKER who was retiring from office—Mr. P. would not oppose or object to it. He was for encouraging the courtesies of life, and they had seen quite enough, during the present session, to convince them of the necessity of doing so; but this was a peculiar case, to which the rules of mere courtesy did not apply. Mr. P. could not consent to praise the SPEAKER for having been impartial in the discharge of the duties of the chair, simply because it was not true that he had been impartial. It might be said that this was a very small matter—a customary compliment merely; but, as every gentleman knew, in politics, a very small thing might become a very great thing; a mere thread might be seized upon, and, by party management, might be woven at last into a cable, by which to lead bodies of men, and to control the Legislatures of States. The present resolution was one which presented facilities for being so availed of. Mr. P. had no objection to uttering a courteous farewell to the SPEAKER as a gentleman, and wishing him a pleasant journey home; *but he believed this vote of thanks was to be used as so much political capital to do political business upon, and he, for one, was not disposed to furnish it.*

He said that the Speaker had not been impartial: the House did not so consider him;

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and in proof of this, it would be sufficient to refer to the vote of the House, refusing to him, *on that very ground*, the appointment of the members of an Investigating Committee to examine into the defalcations of his own party. And though the debate on that subject had rushed and raged through the House like an unchained tiger, leaping in all directions, yet this was a point, and the only point, from which it had never departed; here it had fixed its fangs with a determined and deadly hold. Trust the Speaker with that appointment the House would not. And now, to pass a solemn vote that the Speaker had discharged his duties in an "impartial" manner, it would be to declare a lie. Mr. P. never would vote for such a declaration. He never would say what he did not believe, nor record the assertion that the SPEAKER had been impartial, when the House had recorded its own vote to the contrary. Mr P. had here, in his pocket, a little document, which would speak very intelligibly as to this SPEAKER's impartiality. He well knew what this resolution of thanks was worth, under existing circumstances. He should speak out plainly and explicitly, as he was wont to do. He knew that the incumbent of the chair was playing a political game, in which the smallest amount of capital was useful to him. In that game Mr. P. was opposed to him; and he would not, by voting for this resolution, throw it into his own teeth. He would not send that gentleman into the electioneering field with this certificate in his pocket. He would not certify to the people of the United States a positive lie, which was to be used against himself and others, with whom he acted. He would say to the whole country, that in the formation of the committees of the House—and what act was of deeper importance—the Speaker had not been impartial. Mr. P. would not be understood as saying that it was unusual or improper that the Speaker of that House, in appointing its standing and other committees, should place upon them a majority of those who corresponded with him in political sentiments; of this he did not complain. But he believed there was not a legislative body upon the globe where, political parties being so nearly balanced, the disparity of those parties in the committees of that body was so enormous. Mr. P. would deal in no loose or general assertions on this subject; he would put his finger upon the facts; facts which, if the gentleman from South Carolina (Mr. ELMORE) was able to swallow, his powers of deglutition must be very different from those of Mr. P.

To begin with the Committee on Foreign Affairs. How stood parties there? There were six administration men to three of the Opposition. Was this—Mr. P. put it to gentlemen—was this a fair representation of the balance of parties in the House itself? Then there was the Committee of Ways and Means, every one admitted its importance, as

standing at the head of the finances; and how was it constituted? Here again it was six to three. But what was the constitution of the Committee of Elections? Everybody knew that a place on that committee had been no sinecure, this Congress; so far from it, the acts and reports of that committee had shaken the pillars of this Government, as the blind Samson shook the pillars of Dagon's temple; if they had not been absolutely thrown down, they had at least been shaken to their foundation. It was a committee in which, of all others, the strictest impartiality was demanded; for there it was that the demon of party was most likely to rear its hydra head. And how did this committee—a committee of judges—how did it stand? SEVEN to TWO. Yes, seven to two; that was this SPEAKER's "impartiality." Well, how stood the case with the Judiciary Committee? Here, again, it was seven to two, if the distinguished gentleman from Virginia was to be ranked with the Administration; but as a change had taken place since the constitution of the committee, it stood, on the most favorable statement, six to three. Here, then, under the action of this most impartial SPEAKER, the four most important committees of the House were so constituted as to give the Administration party, as its very smallest majority, *two to one*; and the most important of them all, in a political point of view, had seven on the one side, and but two on the other!

Mr. P. did not mean to be understood as derogating, in the slightest degree, from the character, or reflecting on the conduct, of the members of these committees—far from it. They acted, no doubt, according to their own views of public duty. He spoke only of the balance of political power in those committees collectively. But how stood matters in those committees which exerted no party or political influence? Oh! there he found quite a different state of things. The Committee of Manufactures contained *eight Whigs to one Administration man*. Now, if their duty had been to manufacture politics, did any man believe that such a proportion would have been observed? Oh, no, the balance would have been far different. Then there came the Committee on Roads and Canals—a committee which, however useful or important, exerted no political influence; and it contained seven Whigs. Here the proportion was seven to two. So in the Committee on Revisal and Unfinished Business, seven to two. In the little Committees on Expenditures in the various Departments, it was still larger; some of these were all Whigs. Now, did not this show design? Was there not a reason for so great a contrast? It showed a deliberately adopted principle of action, followed out through the whole selection; and this by a SPEAKER on whose own election to the chair, the House had been so equally divided, that his election had been carried by *thirteen votes* only out of two

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Thanks to the Speaker.

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hundred and forty-seven! After this, could Mr. P. vote to declare that this officer had been "impartial" in exercising his great and most responsible power? This was in the appointment of committees; and then, as to others cases, where the House had been equally divided, and the casting vote of the CHAIR decided the question one way or the other, would any gentleman point him to a single instance, whether of greater or minor importance—whether the decision swept away the whole political rights of a State, or recognized the official claims of the Globe newspaper, or settled the smallest question, where the vote had not invariably been given in one direction?

Mr. P. did not deny the capacity of the SPEAKER, his despatch of business, or his full and thorough knowledge of parliamentary law—he conceded all this—but it was the facts he had just quoted on which Mr. P. took his stand, and denied, utterly, the "impartiality" of the CHAIR. And he never would, out of mere courtesy, endorse a tool of the Executive, or a tool of the party.

A more perfectly party Speaker, one who would be more disposed to bend the rules of the House to meet the purposes of his own side in politics, never had pressed the soft and ample cushions of that gorgeous chair. To say that he had been impartial in the duties of his high office, would be but flattery, it would be certifying to what was not true; and Mr. P. had too often seen the effects of certificates, not to be cautious how he gave them. He was willing to make the SPEAKER a courteous parting bow; but he would not consent to let him sit there, and do all his party work, and then march out with the honors of war. The duties of the chair were too important for this. The presiding officer of that House cut out, in effect, all the business of the House. It was he who placed before it all the material for its action; and decided who should work it up. Through the standing committees of that House, his power extended to the utmost bounds of the nation. It was in some respects beyond that of the President himself. Such an officer ought not to be the high priest of party—that Moloch before whose altars were daily immolated the dearest rights of this Republic. *The present SPEAKER was, as the House well knew, a candidate at this time for the Chief Magistracy of his own State; and in the canvass there, and throughout all the West, this vote would be referred to as an undeniable proof that he had exercised the utmost impartiality while in that chair: and yet the House itself had utterly refused to trust him. When that damning fact should be brought by his opponents, what more would he have to do, should this resolve pass, than to tear from the records of the House the leaf which contained it, and holding it up to the sun, pronounce all these representations to be unfounded calumnies?* All those gentlemen who did

conscientiously believe the SPEAKER had been impartial, would of course vote for the resolution; but Mr. P. called upon all who did not, and could not in their hearts believe so, but who did believe that, with strong hand, he had wielded his power for the purposes of a party, to vote against it. Let those who knew the resolution to be untrue, say so by their acts. For one, if Mr. P. had ever seen the poised needle turn and point with still prevailing attraction toward the pole, he had seen that SPEAKER turn with equal constancy towards the interests of his party. Gentlemen might raise the notes of their *te Deum laudamus* as high as they pleased; but he called upon all those whose free sentiments had been crushed on that floor by the weight of his official truncheon, to let the world see that they would not give the lie to those sentiments of indignation which had often been forced from their lips under the smart of oppression. *Let them not give this unguarded, sweeping certificate of good behavior, to aid the election of the Governor of Tennessee.* Thus to vote a public lie, was to set a bad and pernicious example, particularly in a free Republic.

Mr. P. concluded by moving as his amendment to the resolution, to strike out the word "impartially."

Mr. GRAY said he did not rise for the purpose of discussing the resolution, but for the purpose, if the House should agree with him, of having immediate action upon it, that the House might proceed as speedily as possible to other business. He said it was his intention to move the previous question; but before he made that motion he would make a brief reply to the gentleman from Mississippi, (Mr. PRENTISS,) who had not objected to the resolution on the ground that the SPEAKER had not with ability and impartiality presided over the deliberations of the House; but, on the contrary, the gentleman conceded that the SPEAKER had, with ability and impartiality, decided all questions which by the rules and parliamentary law of the House it had been his duty to decide. The whole ground of objection was, that the SPEAKER had appointed a majority of his political friends on the leading and most important committees of the House; and hence the SPEAKER had not been impartial. The gentleman said, strike out the word "impartial," and he would vote for the resolution.

Was it not the duty of the Speaker to appoint committees as the House would have done? Can any one doubt that the House would, by ballot, have elected committees precisely, or, at least, substantially, as the Speaker had appointed them? Could an instance be given in which a committee had been elected, that the majority of the House had not placed a distinct majority of their political friends upon the committee? There is a case too recent to be forgotten by the House—the Swartwout committee. A major-

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ity of the House are opposed to the Independent Treasury, and supposed, perhaps, that if they could have a committee of opponents of that measure, that arguments might be found against the measure; and what was the result? The Committee were six and three—two to one against the Administration.

The resolution offered is not novel; it has been customary here, and it is customary in State Legislatures. One was passed complimentary to Mr. Stevenson at the expiration of his term of service. He pursued the same course as the present SPEAKER in the appointment of committees, and more recently, at the expiration of the term of the gentleman from Tennessee, (Mr. BELL,) a resolution, in nearly, if not the precise language with the one under consideration, was passed. The gentleman from Tennessee, (Mr. BELL,) who was then in favor of the Administration, followed the example of Mr. Stevenson in the appointment of committees.

Mr. G. said he had before him the journals, and would read the appointment of committees made by the gentleman from Tennessee, (Mr. BELL,) if any one desired it. The present SPEAKER has done the same, nothing more; and less he could not do, unless he entirely disregarded the will of the majority.

Mr. G. said that his colleague (Mr. CURTIS) had raised a question of order upon the introduction of the resolution, and as he supposed his object was to defeat the resolution by preventing its consideration, Mr. G. said he would refer to an example in the New York Legislature, which his colleague would recollect. In 1838, the present Lieutenant Governor of that State was Speaker of the Assembly. During the session party spirit ran high; frequent collisions took place between the minority of the House and the Speaker; many appeals were taken from the Speaker's decision, and much asperity was exhibited in debate; and yet, at the close of the session, the minority joined in an expression of thanks to the Speaker. A distinguished individual of that minority, formerly a member of this House, (Mr. MANN,) as is usual on such occasions, rose above the party excitement that had prevailed, and made a speech highly complimentary of the Speaker; it was due to the Speaker and the honor of the State that the minority should thus act, and should the same just spirit prevail here, what is due to the dignity of the House, to the Speaker, and to the honor of the nation would be done.

But another and more significant objection is raised: it is, that the adoption of this resolution may make him political capital, that it may be used in the Tennessee election "upon every stump in the State;" hence the gentleman from Mississippi would withhold from him the justice which, by parliamentary custom, is due to him, lest, by doing justice to him now, he may have justice done him hereafter in his own State. Mr. G. said it was not a matter

that ought to be discussed; the facts in the case were upon record, and known to the House; the propriety of the resolution was self-evident; and if gentlemen wished to make a party question of it, and show the country that they carried party feelings to an unprecedented and unwarrantable extent, the sooner they declare it the better.

Mr. G. then moved the previous question.

The previous question having been moved upon the resolution, it was seconded; and upon the motion, shall the main question be put, which was upon the adoption of the resolution, it was decided in the affirmative—yeas 92, nays 75.

The question then recurred upon the adoption of the resolution, which was taken on yeas and nays, and passed by the following vote:

YEAS.—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Briggs, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, John Campbell, Casey, Chaney, Chapman, Coles, Connor, Crary, Cushman, Dawson, Davee, Elmore, Farrington, Fry, Gallup, James Garland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Howard, Wm. H. Hunter, Ingham, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, J. M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Murray, Noble, Parker, Parmenter, Parris, Paynter, Petrikon, Pickens, Plumer, Pratt, John H. Prentiss, Putnam, Reily, Rives, Sheffer, Spencer, Swearingen, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Whittlesey, Jared W. Williams, Worthington, and Yell—94.

NAYS.—Messrs. Adams, John W. Allen, Ayerig, Bell, Bond, Wm. B. Calhoun, John Calhoun, Wm. B. Campbell, Carter, Chambers, Cheatham, Childs, Clark, Corwin, Crabb, Cranston, Crockett, Curtis, Darlington, Dunn, Evans, Ewing, Rice Garland, Goode, Wm. Graham, Graves, Grennell, Halsted, Herod, Wm. C. Johnson, Kennedy, Samson Mason, McKennan, Menefee, Mercer, Calvary Morris, Naylor, Ogle, Peck, Pope, Sergeant S. Prentiss, Rariden, Randolph, Reed, Ridgway, Robertson, Russell, Saltonstall, Augustine H. Shepperd, Sibley, Stanly, Stratton, John White, Lewis Williams, Christopher H. Williams, Wise, and Word—57.

IN SENATE.

SUNDAY, March 3.

Disagreement between the Houses and Struggle over the Book Distribution Appropriation.

A message was received from the House of Representatives, stating that they had non-concurred in the amendments of the Senate to the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1839: the amendments were, first, to strike out the provision that the printing of the Executive Departments should be done by contract; and the second was, striking out the provision for distributing copies of the Documentary History of the United States to the

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members of the Senate and House of Representatives.

Mr. WRIGHT moved that the Senate insist, and that a conference with the House be asked; which was agreed to.

Numerous bills from the House were acted on; after which the Senate took a recess until 6 o'clock.

EVENING SESSION.

Mr. WRIGHT, from the Committee of Conference, appointed to consider the disagreement of the two Houses on the amendments of the Senate to the general appropriation bill, reported that the managers appointed to conduct the conference on the part of the Senate, and the managers on the part of the House, had agreed to recommend to their respective Houses to adopt the following course: that the Senate should recede from so much of its amendment as provides for the manner of executing the printing for the Executive Departments, with an amendment providing that the printing shall be executed in the city of Washington; and that the Senate insist on so much of their amendment as relates to the distribution of the Clarke and Force papers to members of the Senate, leaving it in the power of the House to make the distribution to its own members, while any such distribution to members of the Senate is prohibited.

Mr. BENTON said he never would agree to this report, and he demanded the ayes and noes on concurring in it. This system of distributing books had grown up to an enormous abuse, indeed the most enormous abuse in our Government. He would oppose it to the last; and if the appropriation bill was lost in consequence, and the Government stopped, why let the responsibility rest on those who would incur the risk for the sake of securing to themselves three or four hundred dollars' worth of books.

Mr. WRIGHT asked that the questions on concurring with the recommendations of the Committee of Conference be taken separately, which was accordingly ordered.

Mr. TALLMADGE inquired whether the bill would be lost, in case neither of the two Houses would agree to recede from the ground taken by them.

The PRESIDENT answered, that that question was not before the Senate; but it was obvious that if one House should insist on its amendments, and the other should insist on its disagreement, and no compromise be effected, the bill would be lost.

Mr. TALLMADGE observed that if the House of Representatives saw fit to vote for a distribution of books to its members, he would be willing to let them take the responsibility, and settle the matter with their constituents. He would, therefore, vote for concurring with the recommendations of the Committee of Conference.

Mr. NORVELL said that if any principle was involved, it applied as well to the distribution

to the members of the House as of the Senate. He should, therefore, vote against concurring in the report.

Mr. WALKER was for concurring with the committee. If that was not done, the result would be that the whole bill making appropriations for the civil and diplomatic expenses of the Government, would be lost. The Government, throughout all its departments, legislative, executive, and judicial, would be brought to a close; and that, too, at a period of all others the most unfortunate. Other Senators might think it would be less dangerous to lose this bill than to suffer members of the House to vote themselves a few books. He hoped the Senator from Michigan would reconsider his determination, and let the report of the committee be concurred in.

Mr. BENTON said that the consequences of the Senate adhering to the resolution it had taken on the subject of the distribution of these books, might be the loss of the bill now pending; and as that bill contained the appropriations necessary for keeping the Government in action, gentlemen were a great deal alarmed at the danger of the Government's being stopped. Then on whom would the responsibility rest? It will rest on those who have a personal interest in these books; and those members, therefore, who are to receive these books, ought not to be permitted to vote on this question, in which they are personally interested.

The PRESIDENT here stated that the discussion was not in order; that, by the joint rules, when a committee of conference was asked for by one House, and assented to by the other, the report of the conferees, together with all the papers, should first be presented to the House that assented to the conference. Under this rule, therefore, the report and papers were sent by the Secretary to the House of Representatives.

A message was received from the House of Representatives, stating that the House had concurred in the report of the Committee of Conference on the amendments to the General Appropriation bill, and resolved that the bill do pass accordingly.

The question was then taken on concurring in that part of the recommendation of the Committee of Conference as relates to the printing of the Executive Departments, and carried.

The question then recurring on concurring in that part of the report which relates to the distribution of the Clarke and Force documents—

Mr. BENTON warmly opposed concurring in the agreement. He objected to it because it made a distinction between the two Houses—allowing a distribution of books to the members of the House, while it refused a distribution of books to the Senate. He objected to it because a distribution of books to either House was wrong in principle. Some gentlemen seemed to fear that if the Senate insisted on its amendment, the appropriation bill would

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be lost, and the wheels of Government stopped; but could they suppose there was any member of either House who would be willing to break up this Government for the sake of retaining his share of these books, which was not worth more than three hundred and thirty dollars at the price they cost the Government, and which, if sold to Mr. Templeman, or any other bookseller, would not bring half or quarter of that sum. Now, he was determined, as far as it depended on him, to put it to the test, whether any member of Congress would be willing to put an end to this Government for the sake of retaining his three hundred and thirty dollars' worth of these books.

Mr. B. here enlarged on the growing evils of this system of distributing books to members of Congress; and, in illustration, alluded to the manner in which another proposition to distribute books had been run through the Senate last night. A resolution was offered by a Senator from Massachusetts, (Mr. WEBSTER,) to distribute among the members two volumes relating to the land laws. He had given full notice of his opposition to this resolution, and his intention to oppose it when it came up for consideration. Yet, in the course of a fatiguing session of eighteen hours, he had been absent from his seat but a few moments, and in those few moments this distribution was galloped through. It was presented to the Senate while he (Mr. B.) was in his seat; objected to by him; then withdrawn; taken up in his absence, and hastily run through. This book-making concern was one of the most crying abuses in our system. There was no end to it—it ran round in a continued circle. In the first place, a sufficient number of books are ordered to supply the members of a Congress. At the ensuing session, the new members are to be supplied; and this is easily done, and in the following manner: some of the members who had already received copies, may sell them to Mr. Templeman, and he sells them at a small advance to the publishers, and they are furnished to the new members at Government price as new books, who, in their turn, sell them to Mr. Templeman, and the process goes on *ad infinitum*, so that the original fifteen hundred copies may supply fifteen thousand members, the Government, at every revolution of the circle, paying the full price. He hoped the Senate would insist on its amendment, and let the people of the country see what members of Congress were willing to break up the Government to hold on to the books they had voted to themselves.

Mr. CLAY, of Alabama, said he had never voted for a purchase or distribution of books in his life. He was opposed to the whole matter, and thought it a most serious abuse. He would not, however, incur the hazard of such a serious embarrassment as would result to the Government from the loss of the appropriation bill. He would, therefore, vote for agreeing to the report of the Committee of Conference, and let

the members of the House take the responsibility of voting books for themselves.

The question was then taken on agreeing with the report of the Committee of Conference, and decided in the affirmative, as follows:

YEAS.—Messrs. Buchanan, Calhoun, Clay of Alabama, Cuthbert, Foster, Fulton, Hubbard, King, Linn, Merrick, Nicholas, Norvell, Pierce, Roane, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Walker, Webster, Williams of Maine, Williams of Mississippi, and Young—24.

NAYS.—Messrs. Allen, Benton, Davis, Niles, Robinson, Smith of Connecticut, and White—7.

The Hon. WILLIAM R. KING having temporarily retired from the chair—

Mr. TALLMADGE submitted the following resolution:

Resolved, That the thanks of the Senate be presented to the Hon. WILLIAM R. KING, for his able, impartial, and dignified conduct as presiding officer of this body.

Mr. DAVIS heartily concurred in the resolution, and hoped that it would meet with the unanimous concurrence of the Senate.

Mr. SOUTHARD hoped the word "*unanimous*" would be inserted in the resolution.

Several members were heard at the same time expressing the same wish.

Mr. TALLMADGE modified his resolution by inserting the word *unanimous*, and the resolution was then unanimously adopted.

Notice of Adjournment.

On motion of Mr. WRIGHT,

Ordered, That the Secretary inform the House of Representatives that, having completed the legislative business before them, the Senate was ready to adjourn.

A message was received from the House of Representatives by Mr. GARLAND, their Clerk, stating that they had passed a joint resolution for the appointment of a joint committee, to wait on the President of the United States, and inform him that the two Houses of Congress had completed the business before them, and were ready to adjourn, if he had no further communications to make.

On motion by Mr. HUBBARD, the resolution was concurred in, and Mr. HUBBARD and Mr. FULTON were appointed on the part of the Senate.

Book Distribution.

A message was received from the House of Representatives, stating that they had passed the joint resolution of the Senate for the distribution, in part, of the Madison papers.

Mr. BENTON asked, what resolution? He had been in his seat, with the exception of a few minutes, the whole day and the whole night, and he had not the least recollection of any resolution of the kind having passed, and this was the first intimation he had that any such resolution was before the Senate.

Mr. ALLEN also said that he had no knowledge of any such resolution having passed, and he believed he was in the chamber at the time of its passage.

Mr. WILLIAMS, of Mississippi, stated that he was in the chair when the consideration of the resolution was called for by the Senator from New York, (Mr. TALLMADGE.) The resolution was taken up, considered, and adopted, with all the forms that are usual on the passage of a resolution. He wished to know if the Senator from Missouri intended to impute any incorrectness of conduct to the CHAIR in the proceedings on the resolution.

Mr. BENTON. Not at all: not at all. He was out of his seat at the time, and knew nothing of what was done, or how it was done; he only knew it was quickly done. He was out of his seat but a few minutes; was invited out of it into a near room; was, in fact, invited out several times before he went; and was out but a few minutes. He knew nothing of what was done until since he came back. He certainly imputed no blame to the Senator from Mississippi: neither thought it nor imputed it.

Mr. WRIGHT said he had looked at the resolution, and found that it contained the certificate of the Secretary, that it had passed. Without making any complaint as to the irregularity with which that resolution passed, he would only say that if their Secretary, or the Secretary of any other body distributed books under a resolution thus passed, he would, so far as he (Mr. W.) was concerned, do it upon his responsibility.

Mr. TALLMADGE said, that as to the responsibility attending this resolution, he avowed himself willing to meet it there or before the country. He had called up the resolution, and it had been acted on at his instance. He acknowledged that advantage had been taken of time and circumstances, but the same advantage had been taken of him and others in various instances. He did not pretend to be much of a Jackson man, but he was perfectly willing, as regarded his participation in this matter, to meet the responsibility.

Mr. HUBBARD, from the joint committee appointed to wait on the President of the United States, and inform him that the two Houses of Congress, having finished the business before them, were ready to adjourn, provided he had no further communications to make, reported that they had performed the duty assigned them, and had received for answer that the President had no further communications to make to Congress, and requested them to wish to each member of the Senate a safe return to his family and his home.

Mr. WRIGHT moved that the Senate now adjourn.

Mr. TALLMADGE hoped that the Senate would not adjourn until they had consummated the business before them; and they would disregard this Message, which had been sprung upon

them—and sprung upon them in an irregular manner, during the discussion of a pending question—and complete the business before them.

The question on adjournment was taken and decided in the negative.

Mr. BENTON said this resolution could not pass. It was in the power of any one member to stop it, and he should use every effort to do so. It was then after midnight—it was two o'clock—there is not a quorum of the Senate present. Messages of adjournment have passed between the two Houses and with the President, and no act, save the adjournment, can be done except by unanimous consent, which hides and covers up irregularities. The resolution had better be dropped; it cannot be passed; it will not be passed. Mr. B. said it was now after two o'clock—half-past two o'clock, and he moved that the Senate do now adjourn, and that the hour be entered on the journal. It was now half-past two o'clock on the 4th day of March, and the constitutional existence of the Senate was at an end. This was the fact, and he wanted it on the journal.

Mr. TALLMADGE inquired if the motion to enter the hour on the journal was in order.

The PRESIDENT said that by the rules, any member who moved an adjournment had the right to have the hour at which such motion was made entered on the journal.

The entry was accordingly made on the journal.

The PRESIDENT said that before taking the question on adjournment, he would ask the indulgence of the Senate to make a few remarks. He regretted exceedingly that he had left his situation in the chair for a moment, as it had led most probably to unpleasant feelings. He had hoped that at this hour, when they were about to separate, nothing would have occurred to mar the harmony of the body, or interrupt the feelings of personal kindness so appropriate to the occasion. He had endeavored, while presiding over their deliberations, to which he had been called by the kindness of the Senate, to discharge his duties to the extent of his ability—faithfully he believed, honestly he knew he had; and he regretted, deeply regretted, that any thing should have occurred during his temporary absence from the chair, to induce unpleasant feelings, and prevent a harmonious adjournment.

Mr. BENTON said that every word spoken by the PRESIDENT, (Mr. KING,) went into his heart, and found a resting-place there. Like him, he wished a harmonious adjournment; like him, he wished all to separate with feelings of personal kindness; and for that very purpose, he had moved the adjournment. It was the quiet and easy way to get rid of an unpleasant subject; to avoid a struggle which will lead to no results; for the resolution could not become a law. He wished to drop it as it was; and then there would be nothing to mar

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the kind feelings which prevailed, and which all would wish, with the PRESIDENT, to see preserved.

The question was then taken on the adjournment, and decided in the negative, as follows:

YEAS.—Messrs. Allen, Benton, Buchanan, Hubbard, King, and Williams of Mississippi—6.

NAYS.—Messrs. Foster, Fulton, Lyon, Merrick, Nicholas, Norvell, Roane, Southard, Tallmadge, Walker, Wall, and White—12.

Mr. BENTON said it was now entered on the journal that it was half-past two o'clock in the morning, and no quorum, only eighteen members present, and he now made a motion, which was addressed to the PRESIDENT himself. In doing so, he would cite the example of Mr. Macon, whom they all knew, and than whom no man was more scrupulous. Mr. Macon held that at twelve o'clock at night, on the 3d of March of the short session, his powers as a Senator ceased, and if the Senate was not willing to adjourn at that time, he went away. Now, Mr. President, (said Mr. B.,) I believe that at this hour, half-past two o'clock in the morning of the 4th of March, you have no authority here, and I have no right to address you. I therefore mean to make the question with you, whether, at this hour, you have power to act. The CHAIR has given notice that he is going to sign the resolution, and I object to it. It is the 4th of March, and no quorum.

The PRESIDENT said it was a very common thing at the close of the Congress to sit and do business after midnight on the 3d of March.

Mr. BENTON said he knew it was, but in such cases the fact was kept out of the journal; all appeared there to have been done on the 3d of March. The journal went on headed the 3d, and the approvals of the President bore date the 3d. But now this is not the case. The time is marked on the journal; it is marked the morning of the 4th, and the whole proceeding will be invalid on its face.

The PRESIDENT was of opinion that he could not sign the resolution when a quorum of the Senate was not present, and so stated to the Senate.

Mr. BENTON said, as there was no quorum present, he hoped the Senate would adjourn.

Several members said they hoped not; that a quorum would be soon present, and said that the CHAIR could despatch the Sergeant-at-arms after the absentees.

Mr. BENTON said they had no right to send the Sergeant-at-arms after members; that all power over Senators was at an end.

The question was then taken on adjournment, and decided in the negative.

Mr. MERRICK then made a few remarks in relation to the passage of the resolution. He said he was in his seat in the Senate, but knew not of the passage of this resolution. In fact, he did not know that the resolution had been presented for the consideration of the Senate,

until he was informed that it had passed. He was in favor of the object of the resolution, and would have voted for it if he had been aware of its having been before the Senate.

Mr. WALKER said, in regard to the resolution, he had understood such a one was to be offered, and not having been offered, he had concluded that it had been abandoned. The first actual knowledge he had of the resolution being before the Senate, was hearing its title pronounced by the voice of his colleague, (Mr. WILLIAMS.) I did not know what it meant. He read the resolution. I heard him distinctly put the question; and the various questions that are usually put on the passage of a resolution, were put as fully, and as clearly, as they generally are, and the question was carried as fairly, and the Senate was as full, as it was when a majority of the acts passed by that body were carried.

Mr. ROANE said that he knew no more of the passage of that resolution than the child unborn. He must have been in the chamber at the time, but he had never heard it called up, nor any question taken on it. With respect, however, to these Madison papers, he looked on them in a very different light from the trash that was so often published by Congress. He had received this very evening, from a distinguished gentleman in Virginia, a letter asking information about them. It was a letter abounding with good sense, and placing a proper estimation on these papers. With this letter in his hand, he went round to the seat of his friend from Missouri, and endeavored to soften his rigid resolution with regard to the distribution of books, so as to make the Madison papers an exception. He endeavored to put these papers in contrast with the trash that was put abroad under the sanction of Congress, which may, perhaps, form the materials for a spurious history of the country. He represented that these Madison papers had already been published, and that there would be an absurdity, after paying for them, to put them away in the garret, with the trash that has lumbered there among the cobwebs of time. The Senator from Missouri stated the terms on which he would agree to the distribution of this particular work, and that was, to make a general distribution throughout the Union and into every State; and he desired me to go to the Secretary's table, and get the Clerk to make out a list of the general distribution of documents, and then he would support it. Mr. R. then descanted at length on the great value of the Madison papers; the importance that the information contained in them should be disseminated as widely as possible, and the absurdity of locking them up from the public view, after having paid for printing them. He did not consider the works of James Madison of the same nature with those publications with which it had been the custom of the two Houses to supply their members—"a custom more honored in the breach than in the observance"—

and he hoped that the resolution of the Senator from Missouri, with regard to distributing books, would not, like the rigid laws of the Medes and Persians, be applied to them.

Mr. BENTON said the reference of the Senator from Virginia (Mr. ROANE) to him was correct; he had refused to agree to a distribution of the Madison papers to the members of Congress, but was willing to a general distribution, according to the general distribution of documents; and desired the Senator from Virginia to get that list from one of the clerks, and either to omit the members of Congress, or require them to pay the cost. This general distribution would carry the work into every State—its Senate and House of Representatives—its Executive office—its colleges and universities—to all the Executive offices of the General Government—to the library of Congress—to the offices of the Secretary of the Senate and Clerk of the House of Representatives, and many others. It would distribute eleven or twelve hundred copies, and place them in every part of the Union, and in the best hands for preservation and for use. Gentlemen were debating as if the only alternatives were between an exclusive and gratuitous distribution of these papers to members of Congress, or a consignment of them to the worms in the garret, and an everlasting loss of them to mankind. This was rather wild. The distribution which he proposed would have saved them from the worms, would have given them to the whole Union, and to all mankind; it would have curtailed nobody but members of Congress.

The PRESIDENT said that on further consideration, and consulting the rules, he was of opinion, that it did not require a quorum to be present to authorize the signing of a bill or resolution. It was not properly an act of legislation, but merely a signing to be done by the CHAIR to authenticate the act. Holding this opinion, he would now proceed to sign the joint resolution.

Mr. BENTON said the signing could only be done in the presence of the Senate, and there was no Senate when there was no quorum. Every signing was a public act. The presiding officer gave audible notice of it; the Senate ceased to act; no Senator could speak; nothing could be done while the PRESIDENT was signing. Mr. B. was clearly of opinion that acts could only be signed when the Senate was formed and a quorum present.

The CHAIR then signed the resolution.

Mr. ALLEN said that the resolution could not now go to the President for his signature. There is no committee of the House of Representatives which is necessary to form the joint committee, to join the committee on the part of the Senate to carry it. The House of Representatives has adjourned and dispersed, and the two members who composed part of the Joint Committee to take bills to the President, had ceased to exist as members of Congress; the body to which they belonged had ceased to

exist. The resolution could not be carried: there is no authority existing which could carry it.

Mr. FOSTER said that he would carry it. He was a member on the part of the Senate of the Joint Committee, and he had once carried a bill to the President alone, but he had ascertained that he had made a mistake.

[Mr. FOSTER and Mr. MERRICK, the committee on the part of the Senate, then left the chamber with the joint resolution.]

Mr. BENTON said the impediments were not yet surmounted, there was a little difficulty to be encountered, when the committee got back. He had the rules in his hand, and would read them at the proper time. It is now 4 o'clock on the morning of Monday, the 4th of March; the House of Representatives adjourned and gone, and no quorum here. There are obstacles ahead.

Mr. WHITE said he would state what he knew respecting the passage of this resolution. He had just come into the Senate chamber, when he heard the Senator occupying the chair (Mr. WILLIAMS) ask if a resolution should be taken up. If he gave it any particular designation, it escaped my ear. The presiding officer put the question, and it was passed, several voices voting in the affirmative. Not knowing what it was, or what it contained, I asked for the reading of it, and it was handed to me. As there was no discussion on the subject, no division asked, and none taken, and consequently deeming the question an unimportant one, he voted neither aye nor no. He himself was opposed to the principle of distributing books among the members of Congress; but none of those whose lead he was accustomed to follow on this subject, opposing this resolution, and on looking around and observing that the Senator from Missouri (Mr. BENTON) was not in his seat, he thought it was an unimportant matter, and did not expect to hear any thing more about it.

[The committee who waited on the PRESIDENT for his signature to the joint resolution, having arrived in the Senate chamber,]

Mr. BENTON rose to a point of order—to have things done in order. One of the most solemn acts of the two Houses is that of sending bills to the President to be signed: it has to be done in a prescribed form, and reported and recorded in a prescribed form. Upon this depends all the questions connected with the ten days' constitutional right of the President to retain a bill—his culpability if he does not return it—the prevention of the return by the adjournment of Congress—the efficacy of the bill as a law, if not returned in time, unless prevented by an adjournment. All this makes the presentation of the bill to the President one of the most formal and serious acts of legislation; and therefore the rules had carefully provided to make the presentation a matter of record in each House of Congress—a record, the verity of which could not be impeached, and which

3D SESS.]

Adjournment.

[MARCH, 1839.]

would require no extensive evidence to support it. A *standing* committee was to carry it: that committee was to be joint: it was to be composed of two members from each House; and these two members of each House were to make report to their Houses respectively that the bill had been presented, carefully stating the day on which it was presented; and then this report was to be entered on the journals of each House.

[Mr. B. here read the rules, to show that he stated them correctly.]

He said these rules could not have been complied with in this case. The joint standing committee was dissolved by the dissolution of the House of Representatives. The half committee of the Senate was a nonentity without the other half from the House of Representatives. No record could be made in the House of Representatives, which had been adjourned for two hours, and no such record can be made here, as the rules imperatively require. I call the attention of the Secretary of the Senate to the rules in the entry which he is to make. The Senators will report what they have done; and that is, they went without the committee of the House to the President, and went on the 4th of March; and there ends the work for which we have been kept here so many hours. It drops now, as I proposed it should drop three hours ago.

Mr. MERRICK reported that within the last hour the committee had placed in the hands of the President a joint resolution for the distribution, in part, of the Madison papers.

Mr. TALLMADGE moved that the Senate adjourn *sine die*.

Mr. BENTON asked if a minority of the Senate could adjourn *sine die*. He thought they could only adjourn from day to day, until a quorum was present.

The PRESIDENT decided that the Senate could adjourn *sine die*, and

The Senate adjourned *sine die* at 20 minutes past 4 o'clock, A. M.

HOUSE OF REPRESENTATIVES.

SUNDAY, March 3.

Book Purchase—Documentary History—Disagreement of the two Houses.

The other amendment, upon which the Senate had, in part, insisted, in relation to the Documentary History, was then taken up.

Mr. PETRIKIN moved that the House insist.

Mr. TOUCHEY moved that the House recede from its disagreement.

Mr. ATHERTON called for the yeas and nays, but they were not ordered; and Mr. TOUCHEY's motion was rejected—ayes 66, noes not counted.

The motion to insist was then agreed to, without a division.

At a subsequent stage, the bill was returned from the Senate, accompanied by a message

stating that they still insisted, and asked a committee of conference, having appointed a committee of three on their part.

Mr. CAMBRELENG moved to concur in the resolution for a conference, which was agreed to, and, on his motion, a committee of three was appointed on the part of the House, consisting of Mr. BOND of Ohio, Mr. ATHERTON of New Hampshire, and Mr. LINCOLN of Massachusetts.

About seven o'clock at night, Mr. BOND made a report from the Committee of Conference, which recommended the Senate, in part, to recede, and in part to insist, upon their amendment, with the addition that the printing shall be executed in the city of Washington; and recommended that the Senate recede from part of their amendment striking out the appropriation for the Documentary History, but only so far as the House was concerned, the Senate abstaining from taking the books.

The report was concurred in without a division; but, at a subsequent stage, at the instance of Mr. BELL,

Mr. BOND moved a reconsideration of the vote by which the last matter was agreed to; and, after a desultory discussion by Messrs. BOND, LINCOLN, and BELL,

Mr. WILLIAMS, of Kentucky, said that, rather than peril a bill upon which the temporary existence of the Government depended, upon a mere point of etiquette, he should demand the previous question; and it was seconded, carried, and the main question ordered and put, when the House refused to reconsider—ayes 54, nays 84.

On motion of Mr. CAMBRELENG, the House went into Committee on the Union, Mr. BRIGGS in the chair.

Madison Papers.

The House concurred in the resolution of the Senate to suspend the 16th and 17th joint rules of the House, so as to pass a joint resolution to provide for the distribution, in part, of the Madison papers.

The joint resolution was soon after received, and, having been read twice,

Mr. WISE briefly supported it.

Mr. PETRIKIN was not opposed to the resolution, but he would take that occasion to remark that the charge brought by Mr. BELL against the Senate was now proven to be unfounded.

The resolution was then put on its third reading, and the question being on its passage—

Mr. DROMGOOLE called for the yeas and nays; but they were refused, and the resolution was passed without a division.

Adjournment.

Mr. CUSHMAN, from the Joint Committee appointed to wait on the President of the United States, and inform him that, unless he had further communications to make, both

MARCH, 1839.]

Adjournment.

[25TH CONG., 3D SESS.]

Houses were ready to close the present session, reported that they had performed that duty, and were informed by the President that he had no further communication, but he wished the members all a safe and happy return to their homes.

A motion was made by Mr. CONNOR that the House adjourn without day, when .

The SPEAKER rose, and addressed the House as follows:

Gentlemen of the House of Representatives:

In taking leave of this body, in all probability forever, emotions are excited which no language can adequately convey. When I look back to the period when I first took my seat in this House, and then look around me for those who were at that time my associates here, I find but few, very few, remaining. But five members who were here with me fourteen years ago, continue to be members of this body. My service here has been constant and laborious. I can, perhaps, say what but few others, if any, can—that I have not failed to attend the daily sittings of this House a single day since I have been a member of it, save on a single occasion, when prevented for a short time by indisposition. In my intercourse with the members of this body, when I occupied a place upon the floor, though occasionally engaged in debates upon interesting public questions, and of an exciting character, it is a source of unmingled gratification to me to recur to the fact, that on no occasion was there the slightest personal or unpleasant collision with any of its members. Maintaining, and at all times expressing, my own opinions firmly, the same right was fully conceded to others. Our discussions were at that time conducted with that courtesy and decorum, and respect for the opinion of others, which ought ever to prevail in a deliberative assembly. For four years past the station I have occupied, and a sense of propriety, in the divided and unusually excited state of public opinion and feeling, which has existed both in this House and in the country, have precluded me from participating in your debates. Other duties were assigned me.

The high office of Speaker, to which it has been twice the pleasure of this House to elevate me, has been at all times one of labor and high responsibility. Its difficult, and often delicate, duties have been fully appreciated and freely expressed by all my predecessors. They have all borne testimony to the difficulty, nay, impossibility, of discharging its duties with entire satisfaction to all, especially in seasons of high political or party excitement. Whilst they have borne this testimony, I think I may truly affirm that none of them have had a severer ordeal to pass than has fallen to my lot. Frequent have been the occasions when, but for the indulgent and liberal support at all times given to me by this House, I should have been utterly unable to preserve that order and decorum which should ever attend the

deliberations of the representatives of the people. It has been made my duty to decide more questions of parliamentary law and of order, many of them of a complex and difficult character, arising often in the midst of high excitement, in the course of our proceedings, than had been decided, it is believed, by all my predecessors, from the foundation of this Government. This House has uniformly sustained me, without distinction of the political parties of which it has been composed. Our records will show, that upon the numerous appeals which have been taken to the House, I have been sustained by both political parties, and often by decided and large majorities. Though doubtless I may often have fallen into error in promptly deciding novel questions, suddenly raised, I trust it was not on points material, and I know it was never intended. I return to this House my thanks for their constant support in the discharge of the arduous and difficult duties I have had to perform.

But, gentlemen, my acknowledgments are especially due to the majority of this House for the high and flattering evidence they have given me of their approbation of my conduct as the presiding officer of the House, by the resolution you have been pleased to pass. I regard this as the highest and most valued testimonial I have ever received from this House, because I know that the circumstances under which it has passed has made it matter of substance, and not of mere form. I regard it as of infinitely more value than if it had been the common matter-of-course and customary resolution, which, in the courtesy usually prevailing between the presiding officer and the members of any deliberative assembly, is always passed at the close of their deliberations. That is unmeaning—is indiscriminately conferred—is a mere act of courtesy, and possesses, comparatively, but little value. I return to the majority of this House, what I sincerely feel, my grateful thanks for this high evidence of their approbation and regard, given, as it has been, at a time of high party excitement, which, in the accomplishment of party and political objects, but too often disregards all other considerations. I shall bear it in grateful remembrance to the latest hour of my life.

I trust this high office may in future times be filled, as doubtless it will be, by abler men. It cannot, I know, be filled by any one who will devote himself with more zeal and untiring industry to do his whole duty than I have done.

We are now about to separate, many of us never again to meet. I wish you, gentlemen, a safe return to your families and friends; and whatever our respective future destinies may be, my prayer to a beneficent and overruling Providence is, that our future lives may be useful and happy.

The SPEAKER then announced that the House stood adjourned without day.

The House, at two o'clock, A. M., adjourned *sine die*.

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